

**MINUTES OF THE ANCHORAGE SCHOOL BOARD
REGULAR MEETING OF FEBRUARY 10, 2003**

The Anchorage School Board met in Regular Session on Monday, February 10 2003 at 6:30 p.m. in the Board Room at the Anchorage School District Administration Building. President Jake Metcalfe presided.

A. CALL TO ORDER, ROLL CALL, FLAG SALUTE

Board Members Present: Debbie Ossiander, Mary Marks, Tim Steele, Jake Metcalfe, John Steiner, Rita Holthouse, and Harriet Drummond.

Others Present: Carol Comeau, Jan Christensen, George Vakalis, Janet Stokesbary, Mike Henry, Jerry Sjolander, Patricia McRae, Gail Opalinski, Jeff Wood, Dale Cope, Eric Tollefsen, Larry Wiget, Pam Chenier, Stan Syta, Ray Amsden, Mary Kay Sambo, the press, and other interested people.

B. MUSICAL PERFORMANCE

The musical performance was presented by the Gruening Middle School String Ensemble.

C. ANNOUNCEMENTS

Debbie Ossiander asked to bring to the public's attention the fact that federal funding for education is at a critical state. She suggested sending a message of support for full funding for education to your congressional delegation.

John Steiner mentioned that he appreciated the community support for the planning session for the Six Year Plan on Saturday, February 8, 2003. He encouraged anyone who was unable to attend and would like to provide input to notify the School Board or Superintendent.

Mary Marks noted that a dedication honoring Elizabeth Peratrovich is scheduled on February 16 at 1:00 p.m. at 4th Avenue and E Street.

Carol Comeau gave a brief explanation of the new emergency notification system that became operational on February 10, 2003. This project evolved as a result of the terrible Mountain View tragedy. This system will inform parents when students are having to evacuate their school due to an unfortunate happening. Ms. Comeau praised the Public Affairs

Department, Anchorage Police Department, and the Information Technology Department, who all worked very hard on this system. Marie O Chadleus gave a demonstration of how the system works. Ms. Comeau reminded everyone how important it is to have accurate data and reminded parents to provide the school with correct telephone contact numbers.

Tim Steele asked what type of training has been made available for staff. Ms. O Chadleus noted that a select group of people have been trained and that it is not open to the principals. Michelle Egan and Steve Kalmes, along with a backup, have been trained. The Superintendent's Office will provide the message that is to be relayed to parents.

John Steiner asked if this was commercially developed software. Ms. O Chadleus noted that the District purchased a basic program, which the contractor developed to our specifications. Mr. Steiner asked if the program is marketable to other Districts. Ms. O Chadleus noted that the vendor who wrote the system has a maintenance agreement and owns the software and copyright.

Carol Comeau noted that parents will have a home and work telephone number in the system; staff will only have their home telephone number in the system.

D. APPROVAL OF AGENDA

The agenda was unanimously approved.

E. AWARDS/RECOGNITION/PRESENTATIONS

1. ASD MEMORANDUM #181 - Elementary School Physical Education Teacher of the Year

A district employee has been honored with a statewide award recognizing his professional achievement.

Kent Kuelper of Spring Hill Elementary School was named Alaska's 2002 Outstanding Elementary School Physical Education Teacher of the Year. This award, presented by the Alaska Association for Health, Physical Education, Recreation and Dance, recognized his use of circus arts to improve students' balance, hand-eye coordination and gymnastics.

Mr. Kuelper's elementary students learn to walk on stilts and barrels, juggle hats and balls, tumble, spin plates, form human pyramids and more. After learning and practicing the skills, fifth- and sixth-graders perform a school circus for the younger students.

In order to broaden the number of students at other schools who are learning through circus arts, Mr. Kuelper has also taught circus arts classes for fellow teachers.

In addition to his physical education duties, Mr. Kuelper is an integral part of the Spring Hill staff, according to principal Barbara Nagengast. In her letter of recommendation for the award, she wrote "Kent serves on our school safety committee, floods and maintains our hockey rink, organizes an annual 'gymboree' at Thanksgiving time for our students, greets our students and makes morning announcements everyday of the school year. He is always a willing volunteer for a variety of other activities as well."

It is requested the School Board recognize Kent Kuelper for his professionalism, dedication, and enthusiasm that lead to this award.

F. SPECIAL ADVISORY REPORTS

1. Student Advisory

Corey Rennell noted that the last Student Advisory Board meeting was held on January 23, 2003; he gave his report at the January 27, 2003 School Board meeting. Mr. Rennell thanked the students for their participation in community service projects. He stated that he also spend the day at the Six Year Plan meeting on February 8 and found it very interesting. Mr. Rennell stated that there was a resolution passed to support funding for youth court on January 23 and asked the School Board to include it in their legislative priorities. Mr. Rennell also notified the Board that the SAB unanimously supported the Superintendent's recommendation on the Lifetime Personal Fitness waiver on ASD Memorandum #179.

Debbie Ossiander asked the Administration to put the request for funding for Youth Court on a resolution and placed on the agenda for consideration.

2. Military Delegate

LTC Peter Mulcahy was absent.

3. MECC

Mary Marks introduced William Johnson, new member of MECC. Mr. Johnson stated that he didn't have a report, but attended the Six Year Plan meeting this past weekend. The next MECC meeting is scheduled for February 20 at 7:00 p.m. in Room 320 in the Administration Building and is open to the public.

G. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

Carylee Kilgrow issued a concern for the new Administration Building that is one of the propositions for the Bonds 2003. She is concerned that the building is too expensive and the money could be better spent on the NovaNet program that the District is planning to delete next year. She also addressed the financial irresponsibility of the Transportation Department. She has a granddaughter, age 16, who has never had any problems with the District except the incident that was reported in the paper. Ms. Kilgrow stated that she was not involved in the conflict at the front of the bus but because of her impulsive behavior, due to her disability, followed another student out of the back of the bus. Ms. Kilgrow feels that the Administration is in non-compliance with her granddaughter.

Rita Holthouse asked the Administration to describe the NovaNet Program. Mike Henry noted that the program is not going to be deleted. It has proven to be very successful on the limited basis that it has been used.

Ms. Kilgrow stated that she was told during her granddaughter's IEP meeting that it was being discontinued due to lack of funding. Mr. Henry assured her that the program will continue.

Portia Quant, parent of a West High School basketball player, asked the District to consider the use of rented coaches versus the use of school buses for student travel to far distances. She asked for a feasibility study about students traveling on coaches. She understands the use of school buses in the Anchorage bowl, but

does not understand why the District cannot use coaches for long bouts of travel.

Rita Holthouse asked if it was District policy to use school buses while transporting students. Carol Comeau responded that there is a concern of liability when using coaches instead of school buses. She recognizes the lack of restroom facilities, but noted that the Administration is in the process of retrofitting a few buses.

George Vakalis explained the safety features of a school bus versus the coaches. For example, bus frames, design of the seats, safety exits, lights on the sides of vehicles, and signage when children are getting on and off are all required by federal government when transporting children. Mr. Vakalis noted that the school buses may not be as comfortable as a coach, but are much safer in construction and nationally, the safest vehicle for students. School Buses will withstand a crushing event. Mr. Vakalis stated that the District must look at what is the most important issue: comfort or safety.

Mr. Vakalis suggested making arrangements in advance for various stops for students is something that should be considered. Military convoys travel across the state all the time and arrangements are always made in advance for rest stops.

Tim Steele stated that if we are looking at retrofitting a bus for student travel, we should also look at the seating space.

John Steiner asked if parents can provide waivers. This may be a worthwhile thing to look at. Mr. Steiner suggested that we must take the size of the student into consideration and if they are actually safer in a bus built for smaller students.

Carol Comeau suggested a work session with the Board to discuss this issue as she recognizes that this is a volatile issue with the community.

Portia Quant also stated that the District must consider all the gear that the students have on board as well and the fact that it is a safety issue. She is concerned that the gear blocks the air flow on the bus and could be a problem for the students if the weather turns cold.

Harriet Drummond commented that there are a few buses with extra storage compartments. Ms. Quant stated that she looked at the buses and there is not enough storage for the students' equipment.

Rita Holthouse asked if the decision has been made on whether or not the trip to Valdez for the West High students must be made in a school bus. Carol Comeau responded yes, liability is the issue for the decision. She reminded the Board that we must be concerned about an accident.

John Steiner asked the Administration to obtain independent input from the commercial bus owners when the review is conducted. Carol Comeau responded that some commercial bus owners would not provide the liability information to the District when requested.

Theresa Obermeyer feels that student trips mean a lot to students. She notified the Board that she filed to run for School Board and encouraged everyone to access her web site: www.tobermeyer.info. She reminded everyone that election day is Tuesday, April 1 and you must be registered by March 2, 2003.

Jake Metcalfe introduced the other School Board candidates in the audience.

H. CONSENT AGENDA

Consent Agenda attached. **All attachments referred to in memoranda recommendations are on file in the Superintendent's Office.**

1. Approval of Minutes:

a.	Regular Meeting	January 13, 2003	4:30 p.m.
b.	Special Meeting	January 13, 2003	6:30 p.m.

2. ASD Memorandum #182 - A Resolution Honoring Elizabeth Peratrovich Day February 16, 2003

It is the Administration's recommendation that the School Board approve a resolution recognizing February 16, 2003, as Elizabeth Peratrovich Day.

3. ASD Memorandum #113 - Approval of Schematic Design for the Polaris K-12 School Addition and Renovation Project

It is the Administration's recommendation that the School Board approve the schematic design for the Polaris K12 School Addition and Renovation Project and authorize the Superintendent to proceed with the design development, pending Municipal Assembly approval of schematic design.

4. ASD Memorandum #175 - Award of Contract: Fire Lake, Ravenwood and Eagle River Elementary School Power and Data Upgrades in Support of Technology

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Fire Lake, Ravenwood, and Eagle River Elementary School Power and Data Upgrades in Support of Technology to Udelhoven Oilfield System Services, Inc. for Base Bid A in the amount of \$369,000 and to accept Additive Alternates 1, 2, and 3 in the amount of \$56,300 for a total award of \$426,300.

5. ASD Memorandum #179 - Lifetime personal Fitness Waiver Recommendation

It is the Administration's recommendation that students be granted a waiver for the Lifetime Personal Fitness (LPF) graduation requirement if the student meets the following conditions and requests a waiver. The Administration recommends that students who demonstrate competency in the development and maintenance of personal health-related fitness - the primary goal of this course - through participation in two seasons of ASD-sanctioned interscholastic sports and achievement of a passing score on the written test component of the LPF test-out, be allowed to request a waiver of the .5 credit LPF graduation requirement.

6. ASD Memorandum #173 - Revisions to School Board Policy 332.3 Lottery Procedures (First Reading)

It is the Administration's recommendation that the School Board approve on First Reading, the proposed changes to School Board Policy 332.3, Lottery Procedures. (Attachment A)

7. ASD Memorandum #172 - Bond Information Program

It is the Administration's recommendation that the School Board authorize the Superintendent to expend up to \$47,000 for the 2003 Bond Information Campaign.

8. ASD Memorandum #183 - Acceptance of Grant Award: Title I Neglected and Delinquent Youth, 2002-2003

It is the Administration's recommendation that the Anchorage School Board approve and authorize the Superintendent to accept a grant from the Alaska Department of Education and Early Development in the amount of \$73,825. The Title I Neglected and Delinquent competitive grant award will fund transition services for neglected and delinquent students through the Title I transition classroom at the Youth Resource Center and through McLaughlin Secondary School's transition services.

9. ASD Memorandum #150 - Personnel Report

It is the Administration's recommendation that the School Board approve the attached Personnel Report.

The following items were removed from the Consent Agenda: ASD Memorandums #182, #113, #175, #179, #173, and #177.

ACTION:

Moved by Debbie Ossiander
seconded by Mary Marks

to approve minutes from the Special Meeting of January 13, 2002 - 4:30 p.m.; Regular Meeting of January 13, 2003 - 6:30 p.m.; Memorandum #172; and Memorandum #183.

AMENDMENT:

Moved by John Steiner
seconded by Harriet Drummond

to remove minutes from the Regular Meeting of January 13, 2003 - 6:30 p.m.

John Steiner noted that his comments made during the January 13, 2003 meeting were not correctly reflected in the minutes. He has requested the

Board secretary, Mary Kay Sambo, review the tapes and make corrections as necessary.

Amendment passed unanimously.

VOTE:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

MAIN MOTION PASSED AS AMENDED

ASD Memorandum #182 - A Resolution Honoring Elizabeth Peratrovich Day February 16, 2003

It is the Administration's recommendation that the School Board approve a resolution recognizing February 16, 2003, as Elizabeth Peratrovich Day.

ACTION:

Moved by Debbie Ossiander to approve ASD Memorandum
seconded by Mary Marks #182

Carol Comeau noted that this is the second year that we have had a resolution in support of Elizabeth Peratrovich, who was a long-time Native activist. She encouraged Board members and the public to go to any school during the scheduled performances as they are very rewarding and educational.

Theresa Obermeyer stated that there are two events: February 15 at the Native Heritage Center at 1:00 p.m. and February 16 at the Old City Hall for a plaque dedication. Ms. Obermeyer feels that Elizabeth and Roy Peratrovich should have been honored a long time ago. She stated that Mayor Wuerch is responsible for getting the monument.

VOTE:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

MOTION PASSED

ASD Memorandum #113 - Approval of Schematic Design for the Polaris K-12 School Addition and Renovation Project

It is the Administration's recommendation that the School Board approve the schematic design for the Polaris K-12 School Addition and Renovation Project and authorize the Superintendent to proceed with the design development, pending Municipal Assembly approval of schematic design.

ACTION:

Moved by Rita Holthouse to approve ASD Memorandum
seconded by Tim Steele #113.

Carol Comeau noted how hard the community has worked on this project and how wonderful it will be when the new facility is completed.

Kitte' Miller stated that this has been a very exciting project to work on. There were lively discussions in the Design Committee and applauds them for their work. She feels the memorandum accurately reflects that they did not want to endorse any cost reductions on the education program or safety issues. There are several items in the options which Facilities recommends that they would like to reincorporate if funds become available. She is pleased to have money included in the Bond Proposition in April and thanked the School Board for their support. Ms. Miller also asked the Polaris supporters in the audience to stand up and be recognized.

Jeff Friedman urged support of the design. He is thrilled with the design of the school. The committee tried to be reasonable and balanced out program needs with fiscal responsibilities. Mr. Friedman stated that this is a very good efficient design at a reasonable cost.

Tim Steele noted that there is not enough money for the estimated cost of the school and sees no ballfields for the facility. Jeff Friedman commented that they hope to be continually involved in the process in looking at cost reductions. One of their suggestions, due to Polaris not being tied to the school bus system, allows them to vary their schedule by closing early and starting later to give the contractor more time to complete the construction. This would give them a substantial cost savings. Mr. Friedman also noted that they do have a playing field, but there is not enough room on the site for a soccer or ball field.

Rita Holthouse asked Ms. Miller which of the options she hoped would not be adopted. Ms. Miller responded that Option #1 - Reduced Covered Entry because their students are dropped off and picked up. The original design had a covering over the entry area and that was pulled back to

save money. The rock climbing wall was Option #13 that was in the Ed. Specs and was recommended for removal. She understands that sometimes due to how the bid documents go out and come in, that there could be alternates that are bid as well and this could possibly be reincorporated at that point. Option #17 is the comparison of playground equipment that an elementary school needs based on the population of elementary students. Several secondary students have expressed how much they enjoy playing on the equipment as well. Ms. Miller stated that these were the items that they felt they could compromise on, but were things they did not want to give up entirely should the final bids come in lower.

John Steiner asked if the blocking for the addition of a rock climbing wall in the future is included. Ray Amsden stated that the backing for the rock wall is currently in the project.

John Steiner is curious over the main parking lot and sports field option because it is a big ticket item. He asked if the \$404,000 was all or nothing or is there a way to do some of the logistical necessary things and get any cost savings or do we have to complete the entire project.

Jeff Friedman's perception is to leave the existing parking lot as it is with the poor traffic pattern with the pot holes and poor drainage and hopefully correct it in some future year.

Ray Amsden stated that Mr. Friedman's perception is fairly accurate and to exercise it as a cost reduction would be a deferral of a permanent solution. The architects were trying to be as creative as possible. It was based on the premise that there was a lot of parking available and we could save money by capturing that parking and reducing the overall size to match our needs for parking and whatever part that was remaining could be converted to a field area.

Mr. Carlson stated that part of the difficulty came within the last year or two when they finally got the use of the playfield through a lot of efforts from the parents. It would be difficult to discuss with the parents that in order to get a new school, they may lose their playing field.

Rita Holthouse asked if there would be any covered entry in Option 1. Ray Amsden stated that it is a reduced entry. The original design that was presented for review was about 1,000 square feet of cover, which far exceeds what is typically provided. Mr. Amsden stated that they are now proposing a significant reduction.

Debbie Ossiander is concerned about the deletion of the requirement by the Planning Department. Specifically, the elimination of the north parking lot issue. Ray Amsden stated that it does appear that it was a result of a conversation with the Planning Department and was with a purpose that we were initially anticipating leaving the driveway on the Dowling Road side. Their view was that it would encourage traffic to access the field from that side. Facilities felt that the primary purpose of that was to provide public access during summer, evening, and weekend activities. Mr. Amsden felt that since there was already adequate parking on the site that was being developed as part of the project that the need was fulfilled.

Mr. Ossiander's concern was understanding whether this was a Planning Department directive or if it was a result of a suggestion through conversation. Mr. Carlson stated that it was not a result of a Planning Department directive, but was a part of our concept design.

Debbie Ossiander commented that she is glad the student paintings on the walls in the restrooms will stay.

VOTE:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

MOTION PASSED

ASD Memorandum #175 - Award of Contract: Fire Lake, Ravenwood and Eagle River Elementary School Power and Data Upgrades in Support of Technology

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Fire Lake, Ravenwood, and Eagle River Elementary School Power and Data Upgrades in Support of Technology to Udelhoven Oilfield System Services, Inc. for Base Bid A in the amount of \$369,000 and to accept Additive Alternates 1, 2, and 3 in the amount of \$56,300 for a total award of \$426,300.

ACTION:

Moved by Debbie Ossiander to approve ASD Memorandum
seconded by Harriet Drummond #175.

Carol Comeau stated that the Administration has received an official bid protest from Arctic Lights Electric and that it is proper protocol for the bid protester to have the first opportunity to speak to the Board. The District's attorney is present as well as the third party consultant.

Brian Miller thanked the Board members for the opportunity to present the issues of his appeal. He stated that the Board should have the documentation concerning this ITB and the resulting bid offerings. The apparent low bidder, Udelhoven Oilfield System Services, has issued the documentation to the ASD Contracting Office for their review. Included are the credentials that Udelhoven submitted for their technical expertise in the area of telecommunications-data installation. He has also received the third party review and recommendation and has the following rebuttals to that recommendation.

1. The History of Similar Systems: Udelhoven did not submit performance histories for three similar projects of equal complexity. Calls to three project references listed as similar revealed that they were not similar. One of the project managers surveyed today stated that Udelhoven simply pulled the data cable and the client staff terminated test and documented the cabling installation. On the other four projects, Udelhoven acknowledged in their own documentation that they only installed the raceways and occasionally pulled the cabling. There was nothing about termination and testing it. In the past, they have done a diversity of electrical work, which may have incorporated some telecom segments, but they have subcontracted out that to other contractors. He submits to be responsible for and actually performing a very technical scope of work are two entirely different matters with substantial different liabilities.
2. The Experience Requirements: The documentation that Udelhoven submitted indicates that they are a new contractor relative to telecommunication installations performed with their in-house personnel. Although Udelhoven has the financial and electrical where-with-all to perform on this project, they apparently lack a sufficient staff with the technical qualifications to perform the telecommunications work. Mr. Dave Gilmore submitted his RCDD certificate for consideration, but did not submit evidence that he has used that certification to administer, design, implement, test, or certify any telecommunications installations. Although the experience requirement of the specifications does have some discretionary language, which

would allow ASD some leeway in evaluating the experience level, the fact that no experience documentation was submitted for review would indicate that Udelhoven intends to try out their brand-new telecom department on this project for ASD. This may prove difficult in an arena that is certainly brand-new to them as general contractors, using a brand-new alternate manufacturer for these telecom upgrade projects, utilizing a brand-new RCDD with no apparent experience to design and administer a technical project, and building, training, and using a brand new staff for this installation.

Mr. Miller petitioned the Board to require the contracting department to form additional diligence in researching the project history and performance of Udelhoven. You can determine the viability of their technical merit and the validity of this contract award. Otherwise, Udelhoven's submission of the references are hollow words on paper with no protection for either the School District or the contracting vendors available.

In closing, Mr. Miller stated that he has a high regard for the Udelhoven organization and does consider them to be a viable electrical competitor. He does feel that an award to them for this project would be an invitation for disaster for both this contractor and the District. Mr. Miller petitioned the Board to consider them as non-responsive on this ITB, and implement the options available to them in the contract language and our typical procurement procedures.

Mr. Miller further stated that he reviewed the documentation today and did try to get in touch with a couple of the references that they listed as projects of similar complexity. He did not find that to be valid. One indicated that Udelhoven simply pulled the cable and the client's own staff or technical people did the actual termination and testing. Mr. Miller's company has performed this project of very similar nature on three schools here in the Anchorage area. This is not typical electrical installation and typically involves a sub contractor with very technical expertise as well as history.

John Steiner asked what Mr. Miller's understanding is to whether the successful bidder would be able to use a sub contractor or had to do the work themselves. Mr. Miller stated that the contractor has the option. There were a number of contractors who bid against his company on this project that planned to use sub contractors or do in-house. Mr. Steiner asked if there was a requirement in the bid documents that the specific

contractor or sub be identified in the bid. Mr. Miller replied that there use to be that requirement, but it has been pulled from this most recent bid offerings. Mr. Miller stated that there use to be a requirement in the bid package that you submitted that would require inclusion of your technical expertise, project references, and certifications to perform this type of work.

John Steiner stated that according to comments from Mr. Miller, the firm is reputable and could handle the size of the contract; it is the specific technical details of the project that are of concern. He asked Mr. Miller if Udelhoven were to attain a sub contractor with the expertise, does he know of anything in the bid document that would prevent him from being awarded the contract. Mr. Miller responded that Udelhoven intended to complete the project in-house.

Rita Holthouse commented that she understood Mr. Miller to say that he has done this type of work in our schools in the past. Mr. Miller responded that he did a Net Day at Huffman and has just completed work on Bear Valley, Klatt, and Spring Hill, which is similar to the work on this contract.

Mrs. Holthouse asked Mr. Miller which references he checked up on for Udelhoven. Mr. Miller replied that he spoke with PDC, which was listed on one of the Udelhoven's contract documents. They indicated that Udelhoven did not terminate the entire loop nor do any testing or the documentation that has been done in all of the schools.

Jim Dokoozian, Locher Project Management and Construction Consulting, stated that he was asked a few days ago to act as an independent reviewer for this bid protest. He was given the invitation to bid documents and that is what he based his conclusions on as to what that set of documents requires. In addition, he was given all the documents submitted by the low bidder as well as the appeal to review. This is a serious matter because it goes to the sanctity of the bidding process and you want to make sure that all parties do comply with the regulation. Mr. Dokoozian reviewed each of the requirements outlined in the bid documents and in comparing what was complied and what was required, he found that Udelhoven complied with the requirements.

Mr. Dokoozian went over the points that were raised in the appeal.

Point #1 is an issue that Udelhoven did not submit qualifications for a person properly trained and certified for one of the listed

structure systems manufactures. Mr. Dokoozian stated that this is correct, but the District has a procedure for substitutions. This happens after a bidder is selected and they have a responsibility to submit all the information and they are subject to the judgement of the District and its engineers and advisors on whether they are qualified. It is premature at this time to say their system is not satisfactory.

Point #2 notes that their installer technician is certified only for Levitron Systems. Again, the low bidder has the burden of having that system pass the test or having that system acceptable to the District and we won't know that until it goes through the review process.

Point #3 deals with whether or not this particular low bidder has or intends to do this work with their own folks. The District has chosen not to require that the bidder certifies they will do the work in-house or sub contract it out. It is left up to the discretion of the bidders. The bid documents have quite a bit of flexibility in them as far as judging the capability of the bidder. Those qualifications are what Mr. Dokoozian judged this particular submission against. The key issue is that Udelhoven is required to meet the contract specifications. The contention that Udelhoven may lack the apparent staff is something that he does not know and did not attempt to find out. That is something the District will need to review. The low bidder will either suffer or succeed based on their own efforts. In summary, Mr. Dokoozian stated that if the bidder is going ahead proposing a substitute, they will have to abide by subsequent regulations that govern substitutions, which are quite clear in the bid documents.

Debbie Ossiander asked Mr. Dokoozian if his firm does business with either parties. Mr. Dokoozian responded that he is unaware of any business with either firm.

Ms. Ossiander asked about the third point in their bid protest, which talks about their history of similar projects. The statement from Mr. Miller indicated that they have general experience, but doesn't believe they have experience on exactly this type of project. Ms. Ossiander asked Mr. Dokoozian if he examined this at all. Mr. Dokoozian responded that he did not call the references himself, but looked at if they completed the job-- that is the appropriate measure on this. Ms. Ossiander asked him if he looked to see if the jobs were similar to this job. Mr. Dokoozian

looked at them from a broad scope and did not look at how many terminations there may be or the type of cable or if they were similar. His general definition was that they were similar. If the bid documents were written much tighter, which they could have been, he would have reviewed it more in-depth.

Rita Holthouse noted earlier in Mr. Dokoozian's presentation that he spoke about the bid documents having a great deal of flexibility. She asked Mr. Dokoozian if there is a problem in general in the way our bid documents are written. Mr. Dokoozian responded that there is a balancing act that we all have to go through in this industry. In one sense you want to direct the bidders exactly the way you want them to complete the job and prescribe the details. On the other hand you want to benefit from their creativity and different approaches on how they handle the work. Mr. Dokoozian stated that he is not here to give an answer on the bidding process. Currently, our bid process is within industry standards.

Jake Metcalfe questioned point #2 on the certificates. He asked if the certification is from the manufacture. Mr. Dokoozian responded yes, but there are other requirements. One being a general one from BICSY, which is a certification that says a person has been trained by that manufacture in that system. It is not a totally independent organization that says now you are sufficiently trained to do any system. It is very specific to the manufacture. The bid documents do say very clearly that the bidder has to take on their own shoulders if they choose to propose a system other than the suggested system proposed by the engineers who put this bid together. Udelhoven did do this by proposing another system which they were unsure whether the District would accept. They take the risk that the District, for any number of reasons, would not choose this particular system and not allow this to go forward. Udelhoven would then have to come back with an alternate submittal. They could again choose to do one of two things: submit on one of the approved systems or some other system. Again, that is the choice of Udelhoven.

John Steiner asked if Mr. Dokoozian had any independent experience or knowledge of Udelhoven's responsibility or whether they have successfully completed contracts. Mr. Dokoozian stated that his understanding is that both firms are very good firms and doesn't believe that is the issue. Udelhoven has been around longer and is a well known firm. He commented that it really comes down to the fact that they signed their agreement and certified on the bid documents that they meet

or exceed the bidder qualifications as outlined in the instructions to the bidder. They are responsible for delivering an acceptable system to the District on time whether they make a profit or not. Mr. Dokoozian stated that this is a clear case where the bidder did comply with the bid requirements.

Rita Holthouse asked Mr. Dokoozian if he believes they lack sufficient staff to perform the telecommunications work. Mr. Dokoozian replied that he has no idea whether or not they lack the staff. Udelhoven has the responsibility to provide the sufficient staff.

John Steiner asked the Administration if they made contact with the references listed by Udelhoven. Ray Amsden responded no, that we do not typically validate until a formal submittal of what their criteria or their credentials relative to the criteria has been received. The Administration very clearly has defined the parameters they must comply with through the submittal process once the contract is awarded.

Debbie Ossiander asked if these school telecommunication projects are similar to any projects that Udelhoven has completed. Ray Amsden responded that they are currently a sub contractor doing mechanical and technical work on South Anchorage Area High School. He believes they have the capability and will honor their responsibility due to their commitment. Mr. Amsden further commented that they have done an outstanding job on projects they have completed for the District.

John Steiner asked whether there is an urgency or whether the process would be impaired if we were to stay this long enough to allow a reference check to be made so the information could be returned to the Board. Ray Amsden noted that the bidder has been responsible for the identical work in the past. Udelhoven may have used sub contractors, but they got the work done.

Harriet Drummond noted that we cannot stay more than 20 days according to School Board Policy and the next meeting of March 3, 2003 is more than 20 days away. Our policy will not allow a stay.

Tim Steele commented that it appears that this process has been done correctly. We asked them to certify and submit; we take their word for it at this point. When we award the contract, we ask them to submit documentation and detail the system they will be using and whether they will doing the work in-house or outside and documentation for their references. Ray Amsden noted that they are posting a bond that they will

perform the work according to our specifications; this is our standard procedure.

John Steiner asked Mr. Amsden that if we did not have experience with this contractor, would we be doing reference checks if we did not know for sure from experience that they had completed satisfactory work of a similar nature. He noted that typically, we would not award the contract and then check references. Ray Amsden commented that any new contractor/bidder that comes to us is researched from a perspective of their ability to perform. Typically, the submittal process is evidence that they can be met. We don't normally do that level of checking at the point of award.

Tim Steele asked when the bid document is prepared, do you pre-qualify who you send the proposal to. Ray Amsden stated that this is a generally advertised bid procurement without preclusion to anyone. The bidder needs to be qualified in order to submit a bid with its appropriate bid guarantee.

Saul Friedman, Attorney for the District and responsible for this matter, stated that the District is fine to award this contract. His involvement was prior to the independent analysis when the Administration came to him and asked him to review what appeared to be an informal protest. Mr. Friedman reviewed the documents and gave advice to the Administration that it was appropriate to recommend an award of contract to Udelhoven. He has reviewed the independent analysis and agrees with it. Two of the four issues tonight have been misstated because they seem to imply that there were pre-bid requirements for certification and approvals.

Mr. Steiner asked Mr. Friedman to explain the difference between a responsive bid and whether the bidder is responsible to do the work. Mr. Friedman stated that the issue of whether a bid or a response to an RFP is responsive to the RFP requires that you review what it is that the RFP is asking the bidder to provide. The bidder must provide then whatever number of items is required including a price, bid bond, certificates from the state that may be required, contractor's license, etc. A bidder who does not provide one of those essential items is not responsive to the bid and you would throw that bid out for being non-responsive. A responsible bidder goes more to the weight of the ability of the bidder to perform the job. There are two ways to determine responsiveness: 1) post award where the successful bidder is required to provide a payment and performance bond which indicates they are able to obtain a surety

and to provide 100 percent of the contract award as a guarantee that they will be able to perform; 2) put sufficient requirements in the bid documents that the District personnel and Purchasing and Facilities can make a determination that this bidder meets the minimal level of qualifications for this kind of work. That is what occurred here and they are clearly under that criteria, responsible bidders.

John Steiner commented that responsibility can be satisfied after the bid has been opened and the responsibility factors can be considered at that point. Saul Friedman agreed with Mr. Steiner.

John Steiner noted that this is an area that he works in professionally so he is familiar with the responsiveness and responsibility issues. He would have been more concerned if the Administration had not checked references at all or had no experience with this contractor.

Debbie Ossiander reminded the Board that policy requires them to give rationale for rejecting the appeal if that is the decision of the Board. Ms. Ossiander stated that this was a well written protest and it caused her some chagrin and worry if we will have a good product at the end. However, both the independent reviewer and the attorney led her to believe that the process was followed correctly. It is Ms. Ossiander's belief that a bid process has to be defended and you only go against a bid award if it was done inappropriately or if there was a strong and compelling reason to reject. Ms. Ossiander did not see this and will be voting to award the contract.

VOTE:

Ayes: Ossiander, Marks, Steele, Metcalfe
Steiner, Holthouse, Drummond

Nays: None

MOTION PASSED

ASD Memorandum #179 - Lifetime personal Fitness Waiver
Recommendation

It is the Administration's recommendation that students be granted a waiver for the Lifetime Personal Fitness (LPF) graduation requirement if the student meets the following conditions and requests a waiver. The Administration recommends that students who demonstrate competency in the development and maintenance of personal health-related fitness - the primary goal of this course - through participation in two seasons of ASD-sanctioned interscholastic sports and achievement of a passing score

on the written test component of the LPF test-out, be allowed to request a waiver of the .5 credit LPF graduation requirement.

ACTION:

Moved by Debbie Ossiander to approve ASD Memorandum
seconded by Tim Steele #179.

Debbie Ossiander commented that she is concerned about the \$50 dollar fee and thought that all student fees had to be approved by the School Board unless they were for materials. Jan Christensen stated that the first time you take the test, it is free; the second time you take the test, there is a fee.

Sharon Vaissiere noted that at the time the procedures were being developed, they looked at what the costs were going to be to have teachers proctor this at times other than class time when they were already under contract. This was not precedent setting because this was similar to other fees being charged for test-outs in other content areas.

Debbie Ossiander asked what other test fees the District is assessing. Jan Christensen stated that when a student decides they want to challenge a course, a fee is charged to pay the teacher to develop an examination.

Debbie Ossiander commented that she could see the rationale for this when there was a more significant period of staff time involved. She could see that it would take a significant amount of time to have to go through and evaluate the curriculum, but is concerned if there is a test already developed, why is a fee charged to the student. Ms. Ossiander stated that she would like to see as few student fees charged as possible. Sharon Vaissiere stated that 95 percent of the students who take the written test pass it. The greater number of students have not passed the physical portion of the test. That is the labor intensive piece of having enough proctors there for the students to take the physical test.

Debbie Ossiander urged the Administration to look at the elimination of the fee. Carol Comeau stated that she will look into this because she was not aware of the testing fee.

John Steiner asked if the fee may be waived similar to the activity fee. Jan Christensen responded yes, that principals can make provisions to students who cannot afford it so it does not become a barrier. Funds could be taken out of discretionary funds.

AMENDMENT:

Moved by John Steiner
seconded by Rita Holthouse

that the Board add the following language to the end of the motion:
The two seasons of sports applied toward the Lifetime Personal Fitness waiver must be in addition to any sports season used toward waiver of any other physical education .5 credit graduation requirement.

John Steiner noted that when he read the main motion as written and it stated that the physical portion could be satisfied through participation in two seasons of sports, it appeared to him that a student completing two seasons could automatically waive the physical testing. He was aware that two seasons of sports could also gain .5 credit for satisfaction of the normal physical education requirement. It sounded like if you did two seasons of sports, you could use it to satisfy your .5 credit of physical education requirement as well as satisfy the physical portion for the Lifetime Personal Fitness .5 credit. Mr. Steiner checked with the Administration and found that the intent was that a student could get a waiver of .5 credit of regular physical education by doing two seasons of sports and that the two seasons of sports for the Lifetime Personal Fitness credit would be independent from those. His amendment is to clarify this waiver.

Mike Henry stated that students, through participation in interscholastic athletics, do not earn credit in physical education. They are able to verify and document their participation and upon that verification, the credit is waived. The students still need to earn that credit, it is just not in physical education. Mr. Henry stated that this amendment is not needed.

Rita Holthouse asked if a student participated in two seasons of riflery, does it mean they would not have to take the physical test for Lifetime Personal Fitness, and have the .5 physical education credit waived. Mike Henry responded no that the two seasons in riflery would simply waive the .5 credit of physical education. If the student desired, the student could waive the .5 credit of Lifetime Personal Fitness. Two more seasons would be required for additional waivers.

Jan Christensen clarified that two seasons of sports can waive .5 credit of physical education. A student could be involved in six seasons of sports and have 1.5 credits waived in physical education. Lifetime Personal

Fitness was one of those classes that you had to take if there had been no waiver.

VOTE ON AMENDMENT:

Ayes: Steiner, Holthouse

Nays: Ossiander, Marks, Steele,
Metcalf, Drummond

AMENDMENT TO THE MAIN MOTION FAILS

Rita Holthouse commented that she does not share the enthusiasm for this recommendation. She stated that it was her understanding that this course was to insure students, as they left high school, to know of types of activities that they could participate in for personal lifetime fitness. Ms. Holthouse does not think that a sport such as football or swimming equates to the same thing that was going on in the Lifetime Personal Fitness Course. She also noticed with interest that the P. E. Curriculum Committee voted unanimously not to support this recommendation. Ms. Holthouse asked the Administration to explain the reasoning behind the Committee's recommendation.

Sharon Vaissiere stated that the Committee has made tremendous strides with refining the test-out as it exists. They felt the test-out was the one opportunity already to waive the Lifetime Personal Fitness requirement and that ought to stand on its own merit. What is being used for the fitness portion of the test-out is something called the fitness gram which are events developed by the Cooper Institute of Dallas, Texas.

Carol Comeau noted that during her time as Assistant Superintendent for Instruction and in her current position, she has consistently received requests for a change to this policy. Ms. Comeau does not dispute the need or value for this course. It is important for kids to become more fit. She stated that Moria Sullivan's comments were right on the mark. Ms. Comeau stated that when she speaks to students who are very much engaged in sports, activities, and academics, it always goes back to the fact that the students want the option. She feels that it is the right time to bring this recommendation forward. Principals, curriculum principals, and counselors have also indicated a desire to move forward.

Ms. Holthouse feels that the two issues are conflicting. The issue that most families want is they feel the credit crunch for their students who are involved in a lot of different activities. This will be solved by weakening the Lifetime Personal Fitness program. Ms. Holthouse stated that we are solving the one problem caused by the increase in the

graduation requirements several years ago, but are watering down the Lifetime Personal Fitness requirement. She will not be supporting this change.

Corey Rennell stated that students were unanimous in their support of this recommendation. They felt the requirements were redundant for a lot of students who are involved in sports. Mr. Rennell noted that one of the students at Steller, who was a top runner in the state, failed the physical fitness test the first time. Many students felt it was not a good demonstration of their physical capacities or that it may be asking the wrong things.

John Steiner noted that when he looked at the list of sports that are qualified, most require a certain level of fitness and quite a bit of training. He stated a concern with riflery and bowling, and wondered if they have much of a physical fitness training component associated with them.

Jake Metcalfe stated that this is a different topic and has nothing to do with the recommendation. Mr. Steiner did not agree and may move that they be deleted from the list of sports that would qualify.

Debbie Ossiander called for a point of order and stated that there is nothing in the motion before us that talks about this topic. She suggested that this be put on a future agenda for discussion if there is interest from the Board.

Jake Metcalfe ruled that this topic brought up by Mr. Steiner is not part of the motion before us.

Rita Holthouse read from the motion "participation in two seasons of ASD sanctioned interscholastic sports" and stated that therein is the implication that all of the ASD interscholastic sports would work for this waiver. She stated that Mr. Steiner's topic is directly related to the motion.

Jake Metcalfe stated that we are talking about whether these two sports should be sanctioned or not. Mr. Metcalfe noted that these two sports have already been sanctioned and he is making a ruling that this discussion does not pertain to the motion before the Board. The discussion on whether or not to sanction a sport is one that should occur at another time.

Mr. Steiner asked to clarify his comment. He stated that he said nothing about whether a sport should be sanctioned, but whether these two sports should be excepted from those that satisfy the personal fitness requirement.

AMENDMENT:

Moved by John Steiner
seconded by Rita Holthouse

that the Board add the following language to the motion: The Administration recommends that students who demonstrate competency in the development and maintenance of personal health-related fitness - the primary goal of this course - through participation in two seasons of ASD-sanctioned interscholastic sports except riflery or bowling and achievement of a passing score on the written test component of the LPF test-out, be allowed to request a waiver of the .5 credit LPF graduation requirement.

John Steiner commented that he was really requesting information from the Administration on whether or not riflery and bowling have a fitness component.

Sharon Vaissiere stated that during the course review six years ago, riflery was purposely removed from the list allowing physical education credit. Even though it may be a course at a school, students no longer get physical education credit for taking riflery. Ms. Vaissiere stated that bowling is a relatively new sport that just came on within the last three years and she can't speak to that one.

Todd Arndt stated that two different issues are being discussed. The first issue is whether we are going to approve a waiver process for Lifetime Personal Fitness; the second is whether or not you want to include bowling and riflery in that. Mr. Arndt suggested listening to both communities before a decision is made to delete bowling and riflery from the list of sanctioned sports allowing a waiver. He urged the Board's support of Mr. Metcalfe's position that this is two separate issues.

Mary Marks asked the Administration why the Native Youth Olympics is not on the list. Todd Arndt stated that this is a community effort and not an interscholastic sport in the Anchorage School District.

Debbie Ossiander stated that this Board has been remarkably adept at avoiding and tangling themselves in administrative affairs even when each of them have strong opinions. This list of sanctioned sports was developed by the Administration without School Board approval or debate. It is a very sensitive issue when the Board chooses to reach into an administrative area, which she urges against. This topic needs to be placed on an agenda and the community informed of the pending discussion. Ms. Ossiander stated that it is not an appropriate amendment at this point.

John Steiner further explained that he is not suggesting removal of these from the ASD sanctioned sports list, he is only suggesting that those two interscholastic competitions may not satisfy the physical test requirements of the test-out. He agrees that before voting on this we need to gather information from people who run those programs on whether they have fitness components. Mr. Steiner suggested a postponement until the next meeting so information can be gathered.

Harriet Drummond noted that if riflery does not allow a student to receive physical education credit, then there is no reason to eliminate riflery from this list. Ms. Drummond suggested voting this amendment down. She agreed that it could be a discussion at a future time, but not this evening.

VOTE ON AMENDMENT:

Ayes: Steiner, Holthouse

Nays: Ossiander, Marks, Steele,
Metcalf, Drummond

AMENDMENT TO THE MAIN MOTION FAILS

VOTE ON MAIN MOTION:

Ayes: Ossiander, Marks, Steele,
Metcalf, Steiner, Drummond

Nays: Holthouse

MAIN MOTION PASSED

ASD Memorandum #173 - Revisions to School Board Policy 332.3 Lottery Procedures (First Reading)

It is the Administration's recommendation that the School Board approve on First Reading, the proposed changes to School Board Policy 332.3, Lottery Procedures. (Attachment A)

ACTION:

Moved by Debbie Ossiander to approve ASD Memorandum
seconded by Mary Marks #173.

Carol Comeau noted on page 5 under "Waiting Lists", paragraph #4, last line, the number five was inadvertently left out and should be inserted.

Ms. Comeau stated that this has been one of the most difficult things to bring forward to recommend approval. In 1995, the MECC brought forward a plea and request that we do something to allow us to diversify our alternative programs. They did it because the programs were not representative of the diversity of the school district, which was about 30 percent at the time. It was very contentious and very controversial, but it passed for all the right reasons. It sent the message that the Administration and the Board valued the diversity in all of our programs. The gender balance requirement was also added in at that time because of an imbalance in one of the alternative programs for a few years. Ms. Comeau stated that there have been very few times to her knowledge that the gender balance preference has been implemented.

Ms. Comeau further stated that the District has an absolute requirement based on the Office of Civil Rights determination that she had to sign this compliance order. The District's legal counsel reviewed and worked through this for several months before coming to this determination. Ms. Comeau urged the public to read the document, but commented that she had no choice but to sign it. She stated that race issues raised around the country have been challenged and overturned. Ms. Comeau stated that the District has a lot of work ahead of them to encourage all students to put in for the lottery and join these programs. It is critical for us to do everything we can to encourage diversity in our programs. Ms. Comeau commented that she was very proud of the community and the District for stepping up to this issue back in the mid 1990s because it made such a difference in our programs.

Karen Wood stated that it is very important for our current programs to be strengthened by the racial acceptance and diversity of the students. She is concerned what will happen to the programs if the District complies with this order. Ms. Wood requested the Board delay

implementation of this policy change to allow notification to parents to occur; she urged phased in limitation of this requirement.

Rita Holthouse asked what the repercussions would be if we did not comply with the OCR requirement. Carol Comeau responded that this is a legal requirement and the District is contractually bound to make these policy changes. Andrenna Stone, Attorney for Jermain, Dunnagan & Owens, emphasized that OCR could take the District to court and order enforcement. OCR most likely would set a hearing internally and force ASD to comply with the ruling.

John Steiner asked if Ms. Stone thought OCR would succeed in court. Andrenna Stone responded that she had a strong sense that they would be successful.

Tim Steele inquired what is the compliance order date. Carol Comeau responded that our procedures must be changed by April 15 and a report must be completed by that date as well.

Sally Dworsky teaches English kindergarten in the Sand Lake immersion program. She believes in gender balance and wants to advocate for this preference. Gender balanced classes give more flexibility to teachers, offers a wider variety of materials for students, gives opportunities for each gender group to teach the other group something they may not have tried, more choices are available, etc. Ms. Dworsky reminded the Board that the lottery procedures chose the students that will stay together for the six years of the program. She urged support for keeping gender balance in the preferences.

Kim Amaya urged the Board to consider keeping gender balance in the lottery preferences. This allows principals to balance classes and promote an acceptable gender balance. She also noted that the current procedures allow students that are selected through the lottery to stay together for the duration of the program.

Tim Steele asked Ms. Amaya is she has ever used the gender balance preference. Ms. Amaya responded that principals are the only ones that have the option to use gender preference.

Linda McAlister urged the School Board to look at the impact on their program at Steller prior to them accepting the amendment to the elimination of the racial and gender preference. Ms. McAlister explained the Steller Program philosophy and how they have tried to reach out to

the community to inform them of their unique and diverse program. They have achieved a 31 percent diversity at Steller and are quite proud of that. Steller Secondary School community supports the issue of inclusiveness, particular to minority students.

Sandy Stephens noted that gender balance has come up twice in the past seven years at Government Hill Elementary School. She feels gender preference is very important and urged the Board to consider leaving it in the policy.

Sandy Coleman commented that we need to maintain gender and other preferences. She supports the Spanish Immersion program and enjoys the mixture in the classroom. Ms. Coleman asked if there was any consideration of public opinion when this was received from OCR and did the Superintendent have to sign the compliance order. She also asked what the District would be doing to make sure the current programs remain diverse.

Yvette Maxwell asked what the Board's commitment was for equal access to lottery based schools for all minorities and whether they will have equal access. She asked why should the process be changed now on something that has worked well since 1995.

Carol Comeau stated that there is no question that we recognize the public support for the preferences in the lottery process. She explained that the complainant stated that no one should have preference over anyone else and the Federal law agreed with him. Ms. Comeau noted that all schools must do a better job of getting the information out into the minority community about their programs. Publications are available about the alternative programs and information is on our web site.

Ms. Comeau explained that the gender piece was not part of the OCR complaint. The Administration decided that if a race change was being made, it was also time to bring the question of gender preference forward for discussion. Sibling preference and neighborhood preference did not come up and the District does not want to lose it. Ms. Comeau commented that the Board has always been committed to equal access and diversity. Transportation still remains a huge issue for those children from low socio-economic areas as well as for working parents. Sibling and attendance area preferences allow families to remain together and only gives preference to children during the drawing process.

Yvette Maxwell asked if there would be transportation provided to alternative schools to allow the diversity to continue. Carol Comeau responded that transportation funding does not allow the District to provide transportation. Transportation of students to alternative programs is only provided if the bus drives by the school and has room for those students. A shuttle bus would be too cost prohibitive. The Board could make a decision to fund transportation out of the general fund if they desire, but would be very costly.

Sandy Coleman asked where the Superintendent and the Board were on the gender issue. Carol Comeau replied that the Board would be voting on this topic tonight and could modify the Administration's recommendation if they wished. Ms. Coleman strongly urged the Board to not change the racial preference.

Ernest Maxwell stated that he is deeply disappointed that the School Board has chosen to make this decision. The alternative education programs provide the highest quality of education in the City of Anchorage as well as the State of Alaska. Removal of race, color, national origin, and gender preferences will erode the progress made in the program. By the Board's own admission, our alternative programs have been strengthened by use of the racial and gender balances since 1995. Mr. Maxwell further commented that this decision will act to increase defacto segregation brought on by the neighborhood school system. He stated that although this segregation is a result of socio-economic reasons, the result is segregation and it does impact equal access. In closing, Mr. Maxwell stated that once again the weight of bigotry, exclusivity, and political ideology rest on the shoulders of those that are least prepared to defend themselves—the children of color and in this case, the future young people of our community. Mr. Maxwell views this as shameless arrogance on behalf of our legal community, not the Board, to impose these type of regulations. He knows of nobody of significance in this country that have not benefited from this type of approach and that includes all the courts, especially the Supreme Court.

Debbie Ossiander stated that no member of the School Board Policy Subcommittee thought this was the best approach on the lottery procedures. They met with their attorney and this was the direction they were advised to go. It was also recommended that gender preference was not defensible and if challenged, the District would lose.

Rita Holthouse asked what would happen if the Board chooses not to change the process. Andrenna Stone stated that she believes that a suit

will be filed in Federal court by OCR to enforce the agreement. There would be a risk of losing Federal funds if we don't comply with the agreement. Janet Stokesbary noted that the funds lost would be close to \$52 million dollars.

Jake Metcalfe asked Ms. Stone to explain the appeal process. Ms. Stone responded that it may take many years, but the District could appeal up the chain and could cost upward of \$75,000 to defend. Ms. Stone commented that she feels it would be a contractual requirement since the compliance agreement was signed.

John Steiner asked if gender was a Title VI issue. Ms. Stone responded that gender is a Title IX issue and to date, we have not been challenged. The gender policy could be kept in tact until it is challenged.

AMENDMENT:

Moved by Harriet Drummond	to amend the motion to retain the
seconded by John Steiner	gender balancing provisions
	within the policy.

Debbie Ossiander asked Ms. Stone to give the School Board some advice on gender. Ms. Stone repeated her earlier response that we have not been challenged yet, but if we were, we would lose on this issue in court. Based on how the courts have been ruling on gender issues, she believes that our gender preference would be struck down by the courts and OCR.

Rita Holthouse asked the Administration their opinion on this motion. Carol Comeau stated that the Administration feels that Ms. Stone told us that we would lose if challenged, but is comfortable leaving it in. Ms. Comeau further stated that the Board must understand that if we are challenged, we will have to take it out of the policy.

Mary Marks asked Ms. Stone if she foresees a challenge coming. Ms. Stone responded that it is hard to say. Ms. Comeau, Gail Opalinski, Jan Christensen, Mike Henry all responded that they are not aware of any pending challenges to the gender preference rule. Ms. Comeau also stated that gender preference is hardly ever used in filling classes in the alternative programs.

VOTE ON AMENDMENT:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

AMENDMENT TO THE MAIN MOTION PASSES

AMENDMENT:

Moved by John Steiner
seconded by Rita Holthouse

to amend ASD Policy 332.3 (A)
Change all references in the
examples in 332.3 (f)(5), (h)(3) from
specific numeric years to the
following format demonstrated
using the (f)(5) language: "...200X-
200Y school year, the first eligible
lottery will be April 200X."

VOTE ON AMENDMENT:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

AMENDMENT TO THE MAIN MOTION PASSES

AMENDMENT:

Moved by John Steiner
seconded by Rita Holthouse

to amend the new language that appears beginning with the second sentence on the top of Page 3 to insert the following language: The priorities do not affect order of acceptance from a waiting list and do not guarantee placement in the desired school or program. (1) Siblings of students enrolled in or on a waiting list for the school/program and if applicable, attendance area children. To be eligible for sibling priority, a student must have a sibling enrolled in or on the waiting list for the school/program for the year in which the student seeks to enroll. For example, a sixth grader during the 200X-200Y school year in a program that ends with the sixth grade would not qualify as a sibling for priority for a waiting list for entry in the fall of 200Y.

Carol Comeau explained the sibling preference during the lottery drawing.

VOTE ON AMENDMENT:

Ayes: Ossiander, Steiner, Holthouse

Nays: Marks, Steele, Metcalfe, Drummond

AMENDMENT TO THE MAIN MOTION FAILS

AMENDMENT:

Moved by John Steiner
seconded by Debbie Ossiander

to amend first paragraph on page 4: If an attempt to contact [cannot be made with the] a parent/guardian to offer a space to a waiting list student is not successful, the student will remain on the list through the next lottery period. If an attempt to contact [cannot be made] a parent/guardian is again unsuccessful during the next lottery period, the student will be removed from the waiting list.

VOTE ON AMENDMENT:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

AMENDMENT TO THE MAIN MOTION PASSES

Rita Holthouse commented that she would have been happier to have a plan or commitment from the District on the advertisement and busing issues that will allow the alternative programs to continue to be so diverse. She believes the loss of racial preference is not a good thing for the education of students.

Carol Comeau stated that the change in this policy is one of the hardest things she has had to do because it was she who brought it forward back in the mid 1990s. She believes strongly in EEO and Affirmative Action. Ms. Comeau assured the Board that she will do everything she can to recruit and talk about the programs. Bussing will continue to be an issue and it is hard to organize due our programs being so spread out. Ms. Comeau continued to say that the Administration will have to do a better job to provide more options for parents in their neighborhood schools that they value. She noted that we do receive criticism from neighborhood schools who say that we spend too much time on alternative programs. Ms. Comeau believes choices are important, but she cannot recommend violating Federal law; she is suppose to follow the law. She will involve the Minority Education Concerns Committee as well as parent groups and the minority community to help students get into the many alternative programs.

Tim Steele is concerned on how we are going to continue the quality programs in terms of diversity. He would like to vote his conscience and say no, but he must follow the law and find a way to enhance and protect the existing programs. He believes in alternative education and feels that it is the health of the District.

Mary Marks appreciated the comments made by the Superintendent and believes that there is much work to be done to encourage participation by minority students in the alternative programs. She cannot allow the Superintendent to be sent to jail for violating the compliance order.

Harriet Drummond stated that she cannot support the policy change because someone needs to speak out against the policies from Washington, D. C. She is concerned that not many people in the community know that this change in policy is occurring.

Jake Metcalfe commented that he is in agreement with Ms. Drummond and cannot fundamentally support this directive; he disagrees with the courts and feels that affirmative action is needed in our country. He stated that the District needs to step up and deal with the transportation issue by going to Juneau and lobby for funding. Mr. Metcalfe cannot support this recommendation to delete racial preference.

John Steiner is worried that the Board will vote down this issue. He is concerned that we would be spending hundreds of thousands of dollars on legal fees when we have been told that it is an illegal action. Mr. Steiner does not feel the community will support the Board if they do not pass the Superintendent's recommendation. He urged the Board to think about the best interest of the District and not their personal feelings.

VOTE ON MAIN MOTION:

Ayes: Ossiander, Marks, Steele, Steiner

Nays: Metcalfe, Holthouse, Drummond

MAIN MOTION PASSED AS AMENDED

ASD Memorandum #177 - Personnel Report

It is the Administration's recommendation that the School Board approve the attached Personnel Report.

ACTION:

Moved by John Steiner
seconded by Rita Holthouse

to approve ASD Memorandum
#177.

The person who signed up to speak on this memorandum was not in the audience. The Board decided to vote on this memorandum without further comment.

VOTE:

Ayes: Ossiander, Marks, Steele, Metcalfe,
Steiner, Holthouse, Drummond

Nays: None

MOTION PASSED

I. SUPERINTENDENT'S REPORT

1. ASD Memorandum #176 - Semi-Annual Report on Professional/Consultant Services on Contracts Over \$10,000

In accordance with School Board Policy Section 725.132, the semi-annual report for Professional/Consultant Services on Contracts over \$10,000 for the period July 1, 2002 through December 31, 2002 is attached.

2. ASD Memorandum #178 - Project Status Report

This is a report of activities and project status changes in Major Capital Projects during the period of, January 15, 2003 through January 28, 2003.

3. ASD memorandum #166 - Conflict of Interest - Second Quarter Report FY 2002-2003

The attached listing of employee Conflict of Interest Waiver and Disclosure actions is forwarded in accordance with School Board Policy Section 725.44. This information is provided as the second quarter report for the FY 2002-2003 school year.

Attachment A lists, by employee, Requests for Waiver received between October 1, 2002 and December 31, 2002. Normally, Attachment B is also included, which lists by employee, the employees that either perform work as tutors, sell or receive

royalties on books, or other material for which they author. There are none to be reported for this period.

4. ASD Memorandum #174 - Progress Report on 2002-2003 School Board Goals

The School Board and Administration had a very productive work session on December 16, 2002, prior to formal School Board action on the Mission Statement and Goals for the 2002-2003 school year on January 13, 2003. At the January 13 meeting, the Board directed the Superintendent to bring back a report on how the Administration would address these new goals in several key areas. This summary attempts to meet that request.

Debbie Ossiander thanked the Superintendent for this report. She is still hearing from parents on their concerns with Everyday Math and the lack of memorization of math facts. She is also concerned that the math pilot at middle schools is very similar in that it is a non-textbook, non-traditional program. Ms. Ossiander encouraged the Administration to do a better job communicating to parents on how they can help their children with math.

Carol Comeau responded that this has been a topic at several town meetings. She mentioned that Jan Christensen and Patricia McRae have talked with Dale Cope and the Math Department on ways they can get out and talk with parents. We need to make sure that the content standards are being met.

Gail Opalinski stated that there are currently two different pilots. Connected math has good research behind it, but the Administration has not yet determined whether they are going to accept the program or recommend adoption. They are also looking at piloting an algebra program at several schools to encourage more eighth grade students into algebra classes. Ms. Opalinski noted that the math adoption recommendation for middle schools is coming up this year, but no decision has been made yet. She also mentioned that during the pilot process, teachers are being trained.

Debbie Ossiander encouraged the Board to look very carefully at the training for teachers in our math programs.

Carol Comeau noted that we will be incorporating a schedule to review all of our curriculum for the Six Year Plan. She stated that we must do a better job of reviewing our curriculum and our data; training may also need to be beefed up.

John Steiner asked how the invitations were formulated and how the public was notified about the February 8, 2003 Six Year Plan Forum.

Carol Comeau responded that we have a large group of key communicators and invitations were sent to Labor Unions, Chamber of Commerce, School Business Partnerships, PTAs, MECC, students, Student Advisory Board, and many different groups that we interact with on a daily basis. The meeting was advertised in the newspaper, but not on the web site.

J. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

K. COMMUNICATIONS & SCHOOL BOARD COMMENTS

Rita Holthouse announced that she would like to call a legislative subcommittee meeting later this week. She encouraged all Board members to attend the meeting. Ms. Holthouse also asked the Superintendent to send in her requests for meetings with selected legislators.

L. EXECUTIVE SESSION - (PERSONNEL/FINANCE/NEGOTIATIONS/LITIGATION)

M. ADJOURNMENT

The Regular Meeting of February 10, 2003 adjourned at 11:50 p.m.

Jake Metcalfe, President

Mary Marks, Clerk

Mary Kay Sambo, Recording Secretary

Date Minutes Approved