

MINUTES OF THE ANCHORAGE SCHOOL BOARD  
SPECIAL MEETING OF MARCH 29, 2004

The Anchorage School Board met in Special Session on Monday, March 29, 2004, at 9:30 p.m. in the Board Room, at the Anchorage School District Administration Building. President, Jake Metcalfe, presided.

Board Members Present: Tim Steele, Crystal Kennedy, John Steiner, Jeff Friedman, Macon Roberts, and Jake Metcalfe.

Board Members Excused: Mary Marks

Others Present: Carol Comeau, Jan Christensen, George Vakalis, Ray Amsden, Mark Mew, Pam Chenier, Michelle Egan, Roger Helmer, Kitte Miller, Andie Stone, Janet Stokesbary, Gail Opalinski,

A. CALL TO ORDER, ROLL CALL, Jake Metcalfe Presiding

B. SCHOOL BOARD COMMENTS

Carol Comeau updated the Board on the personnel issue of a Clark Middle School teacher convicted of a drug use offense. Mr. Ballard had been allowed to return to work in January of this year, with a 3-year suspended sentence. He is on probation and must complete 200 hours community service, having pleaded no contest. The media has had this issue as a topic of discussion and the Superintendent's office has received approximately seven calls from the public. Due to the media's attention of this issue, Ms. Comeau called in to the Mike Pocaro talk show, and also had an audio conference with the District's attorneys and key staff, working the through issues. It was decided to recommend Mr. Ballard be removed from the classroom so that the Clark Middle School staff and community could focus on education. Mr. Ballard will be put on administrative leave and assigned to a non-classroom assignment. Ms. Comeau spoke with Bob Roses and he confirmed that this is the right thing to do. The Administration will look at its policy and agreements to see if they need to be changed. The District is still waiting on the PTCP statement involving this matter. Eric Tollefsen has met with the teacher this morning and he is aware of this meeting. Mr. Ballard stated to Mr. Tollefsen that he is committed to working hard at whatever his next assignment will be. Ms. Comeau added that Assemblyman Dick Traini called to notify her that he is proposing an ordinance on restrictions for Municipal and School District employees. Ms. Comeau was surprised at the emergency meeting that was scheduled for this ordinance.

Jeff Friedman stated that this is an important issue that needs to be addressed by the Board, and would like it placed on the agenda soon, after the legislative issues are cleared up. John Steiner asked if the teacher would be hired as a new employee if this conviction was on his record. School District Attorney, Andie Stone replied that the PTCP adopted a standard for denying certification and this violation is not on the list. It is likely they would still grant it. Ms. Comeau commented that she would probably not recommend hiring a person with this on his/her record. Jake Metcalfe commented that the process for termination is different for a tenured teacher.

Tim Steele asked if there would be "meaningful" work for the teacher to do. Ms. Comeau assured Mr. Steele that she has no doubt that he can work on the math standards and developing teacher training, since Mr. Ballard is a very good math teacher. All of his evaluations are strong, with no concern about performance.

Tim Steele expressed his concern regarding the implications of this ordinance. Depending on how it is written, it could have a large impact on the District and also the Municipality. Carol Comeau assured Mr. Steele that the Administration will have an analysis done and be prepared to take a position, after setting up a meeting with APD as well as the District attorneys. The District's attorneys are communicating with the Municipality's attorney regarding the ordinance.

Crystal Kennedy hopes that the teacher's reassignment will not appear to be a promotion. Ms. Comeau assured Ms. Kennedy that the assignment would be doing curriculum work, with the same salary, same work year, with no change in benefits. There is plenty of need in working with math in the district.

Crystal Kennedy asked if any of the drugs this employee was accused of taking would have been detected in a random drug testing. Mark Mew replied that marijuana would be one of them, or drugs that are illegal in any forms. Carol Comeau added that if he had a prescription for the drug it would not be a crime. Jake Metcalfe commented that the employee is responsible for notifying the employer if he has a prescription for something being tested for in a mandatory drug test.

Macon Roberts asked about the rights of the teacher if the ordinance goes through. Eric Tollefsen replied that the three reasons for dismissal are incompetence, immorality, (moral turpitude), substantial noncompliance with the school laws of the state, the regulations or bylaws of the department, bylaws of the district, or the written rules of the superintendent. Depending on what the rules were that we were dealing with, and how serious the violation was, the District may be able to terminate based on that. Carol Comeau added that the Administration

may need to look at that not just for tenured teachers, and make sure to cover all school district employees.

Jake Metcalfe asked what the process of firing a tenured teacher would involve. Eric Tollefsen replied that a pre-termination notice would be put together and then there would be a meeting with those involved, in order to go through just cause and give the teacher an opportunity to explain what happened. If they went ahead with the termination following that, then the union could move to arbitration and the arbitrator could decide. Jake Metcalfe asked what the arbitrator's choices would be. Mr. Tollefsen replied that in this particular situation the arbitrator would probably be limited to upholding the discharge and putting the individual back to work. Mr. Metcalfe commented that he thinks it is very important to look at all the policies – School Board, labor relations, and bargaining agreements. Mr. Metcalfe is concerned that there seems to be this position that the person be fired. When Mr. Metcalfe looks at it as a Board member and as a member of the public's perspective, we have someone that was charged with off-duty conduct and he is a tenured teacher – there are state laws, contract clauses and all sorts of issues come into play. The concern to Mr. Metcalfe, which is just as important as the nature of what happened, is that you make sure you do everything right so you don't put the district in a situation where there is a huge amount of liability. As a Board member you have a judiciary duty to make sure that everything is followed and a bad decision is not made. Mr. Metcalfe stated he thought the District needed to be very careful in the decisions that were made and Mr. Metcalfe feels that the Board members need to be that way as well, when they are looking at this. It is not an easy issue. There is a lot of emotion involved and when making decisions based on emotions and not looking at all the facts and all the policies and laws, you can make mistakes that cause a great deal of money and a great deal of damage to people. Mr. Metcalfe's concern is that this is looked at over the next couple of months and that there needs to be communication with the Municipality over the ordinance. There should be a joint meeting with the Assembly to talk about it before the ordinance is decided. Ms. Comeau agreed.

Jeff Friedman asked if this issue could be added as a discussion item on April 12 meeting agenda. Mr. Friedman would like the discussion to be on how to treat off-campus drug issues, in order to give some direction to the Legislative and Policy committees. Due to time constraints, Ms. Comeau suggested a special board meeting. John Steiner agreed that the Board should discuss these issues, and stated that he is also aware that the Board has the ability to make board policy, but under their policy, collective bargaining agreements supercede Board policy. A tenured teacher has different rights because of state statutes. Mr. Steiner is interested in knowing what the District decides to do on the reassignment and what options there are for the person to do. Mr. Steiner would

like to look at that specific decision more closely and determine in fact if the Board is comfortable with it, if the Board has questions about it, and whether the Board has options. Mr. Steiner feels it is not really clear whether legally the District has no choice but to keep the person on as an employee, and whether the District is making decisions based on legal constraints or based on policy decisions. Carol Comeau replied that the Administration will have to do some research. However, Ms. Comeau added that her intent is to reassign the teacher within the next two days in the Math Curriculum department. John Steiner asked if the placement can be done as temporary in case the Board wishes to seek legal advice on this decision. Jake Metcalfe commented that his feeling is that personnel decisions are administrative decisions and unless the Board needs to be careful not to micromanage those decisions unless they are illegal or not within the realm of good decision making. Jeff Friedman agrees with Mr. Metcalfe and added that his feeling is that the Board may need to have an executive session to get more details and may well say, as a Board, that in the future, they might prefer to go in a different direction with different staff. Mr. Friedman does not think the Board can hold up making decisions on personnel. Mr. Friedman stated that he would rather have the Superintendent make decisions and move on, and use history to gather information on future policy.

Tim Steele commented that the concern of public in terms of a role model is an issue, and the concern of safety is an issue, but in this particular case, it is his understanding, the conviction is for illegal possession of illegal drugs. Mr. Steele wants to go on the record as supporting the Superintendent's action and thinks she did exactly what was right in terms of judging this particular individual. The potential hazard or risk of students' safety in the school is a big issue. The recent decision, in terms of controversy, making it difficult for education to take place, is a good decision. Mr. Steele added that it is a personnel action and the press is not the place to deal with a personnel issue. Mr. Steele thinks the Board needs to discuss it further. There are all kinds of ramifications with the ordinance that will be difficult to anticipate. Mr. Steele would like to have a joint session with the Assembly. There is a potential for a good role model who has overcome their personal battle with addiction. Mr. Steele feels there is a need to calm down and have rational minds for dealing with this issue. Mr. Steele is concerned that the Board is going to do something on an emotional basis that isn't good in the long run or good management policy. Macon Roberts stated that the constraints are put in place by the court, so that's already in place. Also, Mr. Roberts wanted to go on the record as supporting the Superintendent in placing the teacher in a math resource position because you have a well-qualified employee who has no business out shoveling snow or digging dirt as a penalty of punishment. Mr. Roberts agrees with the three Board members about micromanagement and feels the District has very experienced administrators who make very prudent decisions. Mr. Roberts thinks the Board should support the administration.

Jake Metcalfe suggested a Special Board meeting be held on April 8 for discussion, and then a joint meeting with the Assembly could follow soon after that.

C. APPROVAL OF AGENDA

The agenda was unanimously approved

D. PERSONS TO BE HEARD ON NON AGENDA ITEMS

Speaker, Kelsey Smith, stated that she is saddened by the lack of high school vouchers for students who wish to attend UAA or APU as part of a high school program and also found it unfair the GPA scale for AP classes was 5.0 but other classes of honors credit or college credit were not counted on the same scale. Currently, the speaker is a junior at UAA and has a large amount of debt.

Tim Steele asked the speaker if she is requesting some kind of financial assistance for high school students attending college courses. The speaker replied that the State of Washington has a program that will pay for college classes taken while in high school. The speaker felt this is a great opportunity in Washington and it is not found in the State of Alaska. The speaker felt it would be a great program to be adopted by the School District as well as the Municipality, as a push for greater education so the students can meet the United States standards for No Child Left Behind. Superintendent Comeau replied that it would require a change in the school funding formula through the Legislature because we cannot use public school funding for that issue. Ms. Comeau feels it would be great thing for UAA students to lobby for. The speaker stated that she finds very disheartening the 5.0 scale with AP courses, but college credit and other APU or elective independent study throughout the country is not on that same scale. Ms. Comeau commented that this came about when one of the previous Boards years ago adopted the five-point scale with the AP courses. Ms. Comeau encouraged the speaker to talk to Mike Henry, Executive Director for High Schools, because she thinks that is something that needs more looking into.

E. DISCUSSION ITEM

1. Cameras in Our Schools

Superintendent, Carol Comeau, stated to the Board that due to a number of vandals in the parking lots, the Administration looked into the possibility of surveillance cameras. Mark Mew did some research and

discovered that these cameras are becoming popular in schools around the country.

Mr. Mew gave a brief overview of what the Administration is doing with this issue. Mr. Mew informed the Board that the Administration began talking last summer about the type of technology that would work, how to manage prosecution, discipline, and how to use the cameras legally in the schools. After meeting with the Executive Directors and the Superintendent, Mr. Mew moved forward to try to install a few small-scale systems in a few schools through pilot programs. The District could then measure public acceptance and make the decision if whether or not to buy a large system. Pilot systems have been installed in Chugiak Elementary, West High School, and Bartlett High School. Mr. Mew explained in detail the different functions of the systems. The District's attorneys recommended putting notices up announcing the use of the surveillance cameras and the announcements would also be placed in school newsletters. Offers have been made to possibly do pilot programs at Polaris K-12 School, Clark Middle School, South Anchorage High School, and Rogers Park Elementary.

Mark Mew added that the cameras are not in the classrooms. Obvious locations could be lunchrooms, hallways, band rooms or computer rooms. The cameras could be turned on at night and not during class time.

Ms. Comeau added that the Administration will come back with more information after the pilot programs end.

F. CONSENT AGENDA

1. ASD Memorandum #208 – Award of Contract: Polaris K-12 School Addition and Renovation

It is the Administration's recommendation the School Board approve and authorize the Superintendent to award a contract for Polaris K-12 School Addition and Renovation to the low bidder, Unit Company, for the Base Bid of \$12,130,000, Siemens's Allowance of \$383,427, and Alternates 1-7 totaling \$1,030,100, for an Award Amount of \$13,543,527, and to accept Unit Prices 1-4 and 6-10.

ACTION:

Moved by Tim Steele                   to approve ASD Memorandum  
seconded by Jeff Friedman           #208

VOTE:

Ayes: Kennedy, Steele,  
          Metcalf, Friedman,  
          Steiner, Roberts

Nays: None

Absent: Marks

MOTION PASSED

G. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

H. COMMUNICATIONS & SCHOOL BOARD COMMENTS

I. EXECUTIVE SESSION (PERSONNEL/FINANCE/NEGOTIATIONS/LITIGATION

J. ADJOURNMENT

The Special Meeting of March 29, 2004, was adjourned by unanimous consent at 10:44 a.m.

---

Jake Metcalfe, President

---

Mary Marks, Clerk

---

Robin Siegfried, Recording Secretary

---

Date Minutes Approved