

KENAI PENINSULA BOROUGH SCHOOL BOARD MEETING
Borough Administration Building
Soldotna, Alaska 99669

November 6, 1995

SCHOOL BOARD MEMBERS:

Mrs. Mari-Anne Gross, President
Mr. Joe Arness, Vice President
Mrs. Susan Larned, Clerk
Mr. Emery Thibodeau, Treasurer
Dr. Nels Anderson, Member
Mrs. Joyce Fischer, Member
Mrs. Deborah Germano, Member
Miss Aubrey Robinson, Student Representative

STAFF PRESENT:

Dr. Walter Bromenschenkel, Superintendent
Mr. John Dahlgren, Associate Superintendent, Planning,
Operations, and Technology
Mr. Thomas Thorpe, Assistant Superintendent, Instruction
Mrs. Sharon Radtke, Executive Director, Personnel
Mr. Richard Swarner, Executive Director, Business Management

OTHERS PRESENT:

Mr. Timothy Navarre	Mr. Jeffrey Harriman
Ms. Pat Cruz	Mr. Paul Epperson
Mrs. Karen Mahurin	Mr. James Simeroth
Mr. Paul Fischer	Ms. Melissa DeVaughn
Mr. Kurt Haider	Mrs. Jana Robinson
Mr. John Kistler	Mr. Mike Tauriainen
Others present not identified.	

CALL TO ORDER:

Mrs. Gross called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE:

Mrs. Gross invited those present to participate in the Pledge of Allegiance.

OATH OF OFFICE:

The Oath of Office was administered to newly elected school board members, Joyce Fischer and Deborah Germano, by Notary Public Barbara Jewell.

ROLL CALL:

Mrs. Mari-Anne Gross	Present
Mr. Joe Arness	Present
Mrs. Susan Larned	Present
Mr. Emery Thibodeau	Present
Dr. Nels Anderson	Present
Mrs. Joyce Fischer	Present
Mrs. Deborah Germano	Present
Miss Aubrey Robinson	Present

APPROVAL OF AGENDA:

The agenda was approved as printed.

REORGANIZATION OF BOARD:

Mrs. Gross announced that since the new school board members had been seated, reorganization of the Board was in order.

ACTION Dr. Anderson moved to nominate Mari-Anne Gross as President of the Board. Mrs. Larned seconded.

Motion carried unanimously.

ACTION Dr. Anderson moved to nominate Joe Arness as Vice President of the Board. Mr. Thibodeau seconded.

Motion carried unanimously.

ACTION Dr. Anderson moved to nominate Susan Larned as Clerk of the Board. Mr. Thibodeau seconded.

Motion carried unanimously.

ACTION Dr. Anderson moved to nominate Emery Thibodeau as Treasurer of the Board. Mrs. Germano seconded.

Motion carried unanimously.

EXECUTIVE SESSION: At 5:18 p.m., Mr. Arness moved the Board go into executive session to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough. Dr. Anderson seconded.

Motion carried unanimously.

ADJOURN EXECUTIVE SESSION: At 7:30 p.m., Dr. Anderson moved the Board adjourn the executive session. Mr. Arness seconded.

Motion carried unanimously.

ESTABLISH MEETING DATE/
TIME/PLACE: Dr. Anderson moved the Board establish its meeting dates as published on the current schedule at the date, time and place listed. Mr. Thibodeau seconded.

Motion carried unanimously.

APPROVAL OF MINUTES: The School Board Minutes of October 16, 1995, were approved as written.

HOPE SCHOOL REPORT: Mr. Jeffrey Harriman, Principal-Teacher at Hope School, reported to the Board on his 35-student, K-10 grade school. He and teacher Pat Cruz spoke on the uniqueness of the school which lends itself to team teaching and special projects which follow the district's curriculum guidelines. Students Janie LaPiers and Wyatt Zogas reported to the Board on projects they have been involved in this year, including home economics, shop class, poetry writing and an Egyptian study unit. Objects were displayed on the Egyptian study unit and a writing project.

- KPEA: Mr. James Simeroth, KPEA President, gave a brief history of American Education Week, which will be observed November 12 through 18. He noted this was established in 1921, and was co-sponsored by NEA and the American Legion. It has since gained numerous sponsors through the years, and recognizes teachers and support staff. He noted Mayor Gilman has issued a proclamation in recognition of American Education Week with its theme "Good Schools are a Great Investment."
- Mr. Simeroth expressed concern related to the pilot test evaluation project ongoing in the district. He felt there were unilateral changes made to alter the committee's recommendations which appeared to be less of an improvement than what is currently in place. He presented the Board with written information related to his concern.
- AWARDS AND PRESENTATIONS: Mrs. Gross presented a Plaque of Appreciation to Mr. Mike Tauriainen in recognition of his six years of service on the Board.
- SUPERINTENDENT'S REPORT: Dr. Bromenschenkel reported the administration has met with the Kenai Peninsula legislative delegation to discuss school funding, HB 217, unemployment compensation, and ways to improve legislative relations. He noted a follow-up meeting with the legislative delegation is scheduled for December 7.
- Dr. Bromenschenkel reported November 12 through 18, 1995 is American Education Week, and commended the teachers and support staff in the district for their dedicated service to education. He invited the public to visit their local schools in an effort to recognize the staffs' efforts.
- STANDARDIZED TESTING REPORT: Mr. Paul Epperson, Director of Instructional Operations and Assessment, explained the new format used in reporting testing results for the district. He noted this report was presented for Board information and would be reviewed at a December 4 worksession.
- CONSENT AGENDA: Items presented on the Consent Agenda were Approval of Early Graduation Request, Substitute Teacher Contracts, Teacher Assignments/1995-96; and Tustumena Furniture and Equipment List.
- EARLY GRADUATION REQUEST: Mr. Thorpe recommended the Board approve an early graduation request for a Skyview High School senior to graduate at the end of first semester of the 1995-96 school year.
- SUBSTITUTE TEACHER CONTRACTS: Mrs. Radtke recommended the Board approve contracts for 19-day substitute teachers Elizabeth Devereaux, Grades K-2, Nanwalek Elem/High; and Linda Felz, QUEST, Tustumena Elementary.
- 1995-96 TEACHER ASSIGN-MENTS: Mrs. Radtke recommended the Board approve 1995-96 teacher assignments for LaDawn Druce, English (half-time), Soldotna High School, Temporary; and Henry Hofeldt, Counselor, Nikiski Jr/Sr High, Temporary.
- TUSTUMENA FURNITURE AND EQUIPMENT LIST: Mr. Dahlgren recommended the Board approve the purchase of furniture and equipment for the Tustumena Elementary addition in the amount of \$11,687.59.

ACTION Dr. Anderson moved the Board approve Consent Agenda Items #1 through #4. Mr. Thibodeau seconded.

Motion carried unanimously.

1996-97 ENROLLMENT PROJECTIONS: Mr. Swarner recommended the Board approve the enrollment projection for the 1996-97 school year at 10,314 students, which is a .5% increase over the current year. He noted this year's enrollment was lower than projected, but .3% over the 1994-95 year. He commented the economy of the Kenai Peninsula continues to remain stable with no major changes anticipated in tourism, fisheries or oil industry.

ACTION Mr. Thibodeau moved the Board approve the enrollment projections for 1996-97. Mrs. Fischer seconded.

Motion carried unanimously.

BUDGET TRANSFERS: Mr. Swarner recommended the Board approve budget transfers #165 for Redoubt Elementary in the amount of \$12,042; #199 for Special Services in the amount of \$88,556; and #200 for Skills for Excellence and language arts implementation in the amount of \$15,000.

ACTION Mrs. Larned moved the Board approve the budget transfers as presented. Mr. Arness seconded.

Motion carried unanimously.

EXPULSION #1: Mrs. Gross announced the Board held three student expulsion hearings during the afternoon. She noted the student representative would be excused from voting since she does not participate in the expulsion hearings.

ACTION Mr. Arness moved the Board approve the following: "Decision of the Kenai Peninsula Borough School Board in the Matter of Expulsion of the Student WA.

This matter was heard before the board on November 6, 1995. The student and parents were not present though notified. The Assistant Principal from Seward Jr/Sr High School and the Assistant Superintendent for Instruction were present and recommended expulsion of the student for theft and possession of drugs and paraphernalia as well as tobacco possession on school grounds in violation of district policies.

The Principal submitted a detailed student hearing report and also testified as to the student's attitude and behavior toward other people. The testimony shows the student stole various items from the locker room in the middle school and was confronted while carrying some items. Other items had been stolen from the locker room. This caused a search of the student's hall locker where the principal and assistant principal found a pot pipe with marijuana in it and some tobacco products. The principal reports there was a previous incident with this student that occurred off school grounds. This evidence has not been contradicted or disputed by the student.

Given this evidence, the board concludes the student has engaged in conduct of a serious nature that represents a threat to the safety and welfare of students and their property. The student has exhibited behavior that leads the board to conclude this is likely to occur again unless the student is removed for a significant period of time from the school setting and that expulsion is warranted. The deterrence of similar conduct in other students also indicates a long period of removal is necessary. The administration advises there may be requirements to provide some education due to a determination that the student suffers from a disability.

EXPULSION #1 (continued):

These factors make it necessary to remove this student from the school by expulsion for the remainder of the current school year. This expulsion is from all programs of the district except as may be necessary to meet any legal obligations the district has to provide a free appropriate public education. Except as necessary for providing such required educational services, if any, the student shall not go on school grounds during the period of expulsion for any reason, nor shall he attend any school event or function whatsoever. At the end of this expulsion the student must provide a negative urine analysis test result from a test conducted within 10 days of applying for readmission and must show proof of attendance and completion of counseling programs to deal with compulsive stealing and substance abuse." Dr. Anderson seconded.

VOTE:

YES - Anderson, Arness, Fischer, Germano, Larned, Thibodeau,
Gross
Advisory Vote: ABSTAIN

Motion carried.

EXPULSION #2:
ACTION

Mr. Arness moved the Board approve the following: "Decision of the Kenai Peninsula Borough School Board in the Matter of Expulsion of the Student AA.

This matter was heard before the board on November 6, 1995. The student and parents were not present though they were notified of the hearing. The Principal of Homer High School and the Assistant Superintendent for Instruction were present, and recommended expulsion of the student for possession of a firearm on campus, possession of drugs and drug paraphernalia on campus, and possession of stolen property on campus. The administration requests expulsion for a minimum of one year with consideration being given for permanent expulsion.

The evidence was that the Homer police contacted the school on a tip that there were stolen items in a vehicle in the school parking lot. At lunch, AA got into this vehicle. The police approached AA and asked if they could search. The vehicle is reported to belong to AA, or was in his control. AA allowed the search but only after leaving the school grounds and the police followed him from the school parking lot to the police station. A search revealed a .38 caliber revolver, drugs and paraphernalia, and a stolen stereo. These facts have not been disputed by the student and are clear.

EXPULSION #2 (continued):

The board has adopted policies concerning firearms, drugs and paraphernalia on school grounds. Possession of these items is contrary to and inimical to the provision of an educational program in a safe and appropriate setting. Even though these items were in a car and no evidence shows they were brought into the building, this does little to minimize the seriousness of the possession on school grounds. Additionally, the possession of stolen property compounds the situation. A serious consequence for these actions is needed. To do otherwise would appear to accept or condone such behavior and undermine the efforts of the district to provide an education that teaches obedience to the rules. The principal has had limited involvement with this student so we are unable to determine whether this student presents such a risk to other students in the future as to warrant permanent expulsion. However, expulsion for a minimum of one year is warranted.

Given these circumstances, it is the decision of the board to expel the student AA for the remainder of this school year, and the first semester of the 1996-97 school year. This expulsion is from all programs of the district; provided however, the superintendent is authorized to allow early readmission to an Alternative School program of the district commencing with the fall semester of next year. Early readmission for this purpose will only be allowed if the student demonstrates sufficient change in behavior so the superintendent can determine no undue risk to other students, staff or their property would exist from such placement. AA must not have been involved in any criminal activity during this period. Except as necessary for such readmission, the student shall not go on school grounds during the period of expulsion for any reason, nor shall he attend any school event or function whatsoever." Dr. Anderson seconded.

VOTE:

YES - Anderson, Arness, Fischer, Germano, Larned, Thibodeau,
Gross
Advisory Vote - ABSTAIN

Motion carried.

EXPULSION #3
ACTION:

Mr. Arness moved the Board approve the following: "Decision of the Kenai Peninsula Borough School Board in the Matter of Expulsion of the Student SH.

EXPULSION #3 (continued):

This matter was heard before the board on November 6, 1995. The student's mother participated by telephone. The Principal and Assistant Principal from Skyview High School, and the Assistant Superintendent for Instruction were present and recommended expulsion of the student for possession and consumption of alcohol and making it available for other students in violation of district policy 007.12.

The evidence was that the principal received a report that students had alcohol on a bus coming to school. A search of the students' lockers revealed a bottle containing vodka in SH's locker. On questioning, SH admitted having participated in a theft of the alcohol and bringing it to school on the bus. SH admitted drinking from another bottle containing juice and vodka while at school and passing it to other students. The testimony is less clear which other students drank from the bottle. The facts are not in dispute.

The board has adopted policies concerning possession and use of alcohol and has noted the disruptive and potentially dangerous aspects of such use in the school setting. Possession and consumption are serious in themselves, but this matter is compounded by the willingness of this student to expose other students to these risks. The presence of this student after this conduct would undermine the efforts of the district to provide an education to others free from this kind of disruption and a suspension is not sufficient to remove the disruption and risk of a reoccurrence. Expulsion for the remainder of the school year is warranted. Expulsion for the remainder of the semester would be insufficient given the remaining portion of the semester.

The student's mother has indicated the student is now in Anchorage and will not be returning to the district. However, if no expulsion occurs the student might be eligible to return to the district and attend school. Given these circumstances, it is the decision of the board to expel the student SH for the remainder of this school year. This expulsion is from all programs of the district. The student shall not go on school grounds during the period of expulsion for any reason, nor shall he attend any school event or function whatsoever." Dr. Anderson seconded.

EXPULSION #3 (continued):

VOTE:

YES - Anderson, Arness, Fischer, Germano, Larned, Thibodeau,
Gross
Advisory Vote - ABSTAIN

Motion carried.

REVISIONS TO POLICIES 1000,
COMMUNITY:

Dr. Bromenschenkel reviewed changes agreed upon to Policies 1000, Community, as discussed at the Board worksession during the afternoon.

Mr. John Kistler questioned whether committee meetings and administrative advisory committees had to comply with the Open Meetings Act. Dr. Bromenschenkel advised that the governing body of the school district, which is the school board, and its committees needed to comply with the Open Meetings Act, but the advisory groups appointed by the superintendent are not subject to these regulations. Mr. Kistler questioned the reason for the exception to completion of a volunteer form by parents/guardians. Dr. Bromenschenkel noted considerable discussion had taken place where parental volunteerism is encouraged, and this would make it easier for parents to participate. Mr. Kistler encouraged that the facilities fee structure be broader for use by the school board and borough assembly.

Mr. Mike Tauriainen encouraged that the list of items to BP 1140, Responsibilities of the Board, include establishing a budget, and item 5 be deleted since these should be left to the board and not delegated. In reference to BP 1312.2 (b) with reference to the Library Association Bill of Rights, he noted there have been fourteen different interpretations since 1980. He suggested the Board delete reference to the Library Association Bill of Rights and rewrite it to what the Board wants. He felt these do not offer objective criteria with which to reconsider materials. Mr. Tauriainen suggested changes to BP 1325, Advertising and Promotion, by deleting the words "and which do not promote any particular commercial interest or religious belief." He felt this would eliminate Jostens, etc. in the schools, and the possibility of a display by the National Endowment of Arts with a famous/infamous display or homosexual groups making use of facilities where a religious group might want to speak in objection to these items. He felt there should be neutrality toward religion not hostility.

REVISIONS TO POLICIES 1000,
COMMUNITY (continued):

Ms. Renae Wright, an attorney for the Rutherford Institute, spoke to Board Policy 1325 on the distribution of materials in schools which do not promote any particular commercial interest or religious belief. She expressed concern that possibly a church group might want to advertise a skating party where the interest is recreational, but sponsored by a group with a religious point of view. She suggested the reference to religious belief be deleted from the policy.

ACTION

Mrs. Fischer moved the Board approve Policies 1000 as presented by Dr. Bromenschenkel. Mrs. Larned seconded.

ACTION

Mrs. Fischer moved to amend the motion by adding to Policy 1140, "Item 6. Establish a budget." Dr. Anderson seconded.

Following discussion it was noted this was included in the Responsibilities of the Board. Motion withdrawn.

ACTION

Mrs. Fischer moved to amend the motion to delete from Policy 1312.2(b) reference to the Library Bill of Rights. Amendment died for lack of a second.

ACTION

Mrs. Fischer moved to amend the motion to delete "commercial interests or religious beliefs" in Policy 1325. Mrs. Germano seconded.

When asked for an administrative response, Dr. Bromenschenkel commented he liked the policy as it is currently written without modifications. He noted public schools should not be a conduit for the distribution of promotional materials that advocate a particular religious philosophy or religious ideology. He also felt the same is true for commercial interests other than those already specified in policy. On further question, he spoke about approved contractors as permitted through negotiated agreements and bid awards.

Dr. Bromenschenkel suggested the words "shall develop procedures related to the approval of ..." would give further definition to the policy.

ACTION

Mr. Arness moved to amend the amendment to delete the entire second sentence. Amendment died for lack of a second.

REVISIONS TO POLICIES 1000,
COMMUNITY (continued):

VOTE ON AMENDMENT:

YES - Anderson, Fischer
NO - Arness, Germano, Larned, Thibodeau, Gross
Advisory Vote - NO

Amendment failed.

ACTION

Dr. Anderson moved to amend the motion to Policy 1312, to reference the American Library Bill of Rights as adopted November, 1980 by the National NJLA Executive Board, Exhibit 1312.2(b). Mrs. Germano seconded.

ACTION

Mrs. Fischer moved to amend the amendment to delete #5 of the Library Bill of Rights. Amendment to amendment died for lack of a second.

VOTE ON AMENDMENT:

YES - Anderson, Arness, Germano, Larned, Thibodeau, Gross
NO - Fischer
Advisory Vote - YES

Amendment carried.

VOTE ON AMENDED MOTION:

YES - Anderson, Arness, Germano, Larned, Thibodeau, Gross
NO - Fischer
Advisory Vote - YES

Amended motion carried.

SECOND READING/POLICIES
2000/ADMINISTRATION:

Dr. Bromenschenkel commented the Board had conducted the second reading to Policies 20000, Administration. Mrs. Gross requested that in the future changes made in worksessions be made available to the public as a first reading.

PUBLIC PRESENTATIONS:

Mr. John Kistler commented that several school board members were not turning their microphones on when speaking, and the audience did not know what they were talking about. He requested more care be taken by board members when using the microphones.

PUBLIC PRESENTATIONS
(continued):

Mrs. Karen Mahurin welcomed the new school board members. She reiterated Mr. Kistler's comments on the audience not being able to hear some school board members speaking. Mrs. Mahurin commented information to the legislators from the district office did not include information on HB 217. She also stated she was disappointed in the district's position related to unemployment compensation. She felt it was hard to understand the district's position when a long-time substitute was a dedicated employee, and did not feel the district's position was a valid one. She requested a copy of the district's position on HB 217.

BOARD COMMENTS:

The new school board members were welcomed to the board by their colleagues.

Mrs. Fischer commented she was pleased to serve on the Board again. She questioned whether a decision had been made on the Anchor Point situation for a bus stop. Mr. Dahlgren responded letters had been written to Representatives Phillips and Torgerson, and he would secure copies of these for her. Mrs. Fischer questioned whether the student who wanted to be in the Homer band had been placed in the band. Superintendent Bromenschenkel commented that discussion of a particular student by the Board of Education was inappropriate in a public setting. He noted she could contact him at his office regarding the matter.

Mrs. Germano stated she would like copies of the legislative document which she had not received.

Dr. Anderson commended Steve Johnston on his 16 years of swimming championships. He felt this year's championship was amazing.

Mr. Thibodeau commented that a portion of the agenda should be allocated to committee reports by school board members. He felt this would be a good way for school board members to be informed of committee activities. Dr. Bromenschenkel commented the Board would be reviewing this as part of their policy revisions which would become effective July 1. Mr. Thibodeau requested this be an agenda item for the next meeting.

Mrs. Gross expressed appreciation to the Board for electing her as their president.

ADJOURN:

At 9:45 p.m., Mr. Arness moved the School Board Meeting be adjourned. Dr. Anderson seconded.

Motion carried unanimously.

Respectfully Submitted,

Mrs. Mari-Anne Gross, President

Mrs. Susan Larned, Clerk

The Minutes of November 6, 1995,
were approved on November 20, 1995,
as written.