

MINUTES OF THE ANCHORAGE SCHOOL BOARD
REGULAR MEETING OF APRIL 13, 2009

The Anchorage School Board met in Regular Session on Monday, April 13, 2009, at 6:30 p.m. in the Board Room, at the Anchorage School District Administration Building. President, Jeff Friedman, presided.

A. CALL TO ORDER, ROLL CALL, FLAG SALUTE, Jeff Friedman Presiding

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

Others Present: Carol Comeau, Rhonda Gardner, Ed Graff, Leslie Vandergaw, Mike Henry, Enid Silverstein, Jerry Sjolander, Jane Berglund, Eric Tollefsen, Heidi Embly, Janet Stokesbary, George Vakalis, Jose DelReal, Col. Shutt, Kathleen Plunkett, Ray Amsden, Chad Stiteler, Pam Chenier, Mark Mew, Larry Petersen, Ophelia Dargon-Steed, Doreen Brown, Alden Thern, Todd Hess, Jim Lepley, Johanna Lee, the press, and other interested people.

B. APPROVAL OF AGENDA

Mr. Friedman noted that the agenda has been revised. He also reported that there was an addendum to the Personnel Report and that ASD Memorandum #254 had been pulled from the Consent Agenda.

The revised agenda was approved as amended by unanimous consent.

C. AWARDS/RECOGNITIONS/PRESENTATIONS

The Eagle River High School String Quartet, under the direction of Mike Martinson, performed several numbers for the entertainment of the board and others prior to the start of the meeting.

ASD Memorandum # 271 - Recognition of Alaska Association for Bilingual Education's Outstanding Bilingual Educator of the Year, Kim Liland

Mr. Higgins read that the Alaska Association for Bilingual Education named Kim Liland, an ESL teacher at East High School, as Outstanding

Bilingual Educator of the Year for 2009. The award is given each year to one exceptional Alaskan teacher who goes above and beyond what is expected in bilingual education.

"No student is able to hide in her classroom," said East High Principal Michael Graham. "Liland has more energy than all of them combined."

Her students say they not only learn the curriculum, they also learn study skills and goal setting while maintaining a focus on oral language and vocabulary building that is so vital to ESL students.

Liland says of her approach, "My belief is that bilingual students need to have a love for their own culture and an appreciation to learn and know the culture here. Balancing their two worlds is the key to their success in school and in life. My teaching is driven by pride and confidence in both cultures."

The Anchorage School Board officially recognized Kim Liland for her extraordinary efforts and enthusiasm in teaching language and culture to our students.

ASD Memorandum # 272 - Recognition of the 2009 "Yes I Can!" Award Winner, Bryan Arnold

Mr. Roberts read that Steller Secondary School and King Career Center student Bryan Arnold was named a 2009 "Yes I Can!" award winner by the Council for Exceptional Children, an international organization for special education teachers.

Each year, CEC honors 27 students who have excelled despite their disability. A selection committee looks at what the nominees have achieved in relation to their disabilities, and the impact of these achievements on the students and their communities.

Arnold was chosen in the Self-Advocacy category for a movie he produced about living with muscular dystrophy and acceptance of people like him. This movie was aired during the local Labor Day telethon and on the Channel 2 Newshour this past fall.

"Winning this award shows that overcoming your challenges can bring great things," said Arnold, who traveled to Seattle earlier this month to accept the award. "I have gotten many e-mails from across the state from

teachers that have shown my movie to their students. The teachers have said I have made a difference...the award is just icing on the cake.”

The Anchorage School Board officially recognized Bryan Arnold for his outstanding and admirable achievements in his efforts to educate his fellow students.

ASD Memorandum # 298 - Recognition of Alaska Workforce Investment Board Secondary Vocational Training Educator of the Year, Brian Walsh

Mr. Steiner read that the Alaska Workforce Investment Board supports education and training that leads to employment and careers. To support this mission, the AWIB selects an individual each year as the Secondary Vocational Training Instructor of the Year. The Anchorage School District is honored that the recipient of this year’s award is King Career Center Welding teacher Brian Walsh.

Department of Labor Commissioner Click Bishop presented Walsh with this distinguished honor at a ceremony in March, telling the crowd that “Walsh has made significant contributions toward innovative programs that are serving to improve and promote vocational technical career education for our students.”

The award selection is based on four main criteria: professional practice, community engagement, professional development, and attention to diversity.

The Anchorage School Board officially recognized Brian Walsh for his leadership in these areas, as well as his professionalism and dedication to vocational training.

Presentation on Counseling Services Within ASD

Ms. Comeau introduced Mr. Daniel Rufner, Counseling Department chairman at Wendler Middle School. Mr. Rufner noted that there had been a number of committees over the years looking at developing a comprehensive counseling program in the district. He explained that the goal of this presentation is to help board members understand the counselor’s role.

Mr. Rufner briefly reviewed the four pillars of counseling which are responsive services, curriculum, individual planning, and system support. The hope of this presentation is that board members will come to understand the counselor function and role in the district. Mr. Rufner noted that counselors across the district are effective in their jobs but are challenged by the fact that each of the job sites runs differently with different interpretations of policies and practices. There are also different lesson plans and different curriculum. One of the things that counselors are looking for is greater consistency across buildings and levels.

Mr. Rufner voiced his appreciation for the additional counseling positions that have been supported by the board, particularly at the elementary level. There is some concern, however, that new counselors are put in place with little training, mentorship, or opportunities for collaboration. One of the goals of this presentation is to garner better support for new counselors in the district.

Counselors are also liaisons between numerous ASD departments but the counselors themselves do not have a support person designated as a point of contact. Mr. Rufner noted that it is somewhat disappointing that, in a district as large and as progressive as ASD, there is essentially no program designed for or followed by counselors.

Mr. Rufner explained the role of counselors in individual student planning. He noted the efforts that are made to assist students during transitions between grade levels, reducing the drop out rate, collaborating with school specialists, and helping students plan for college or career. Counselors are also heavily involved in the referral process and documentation for Special Education students. Mr. Rufner explained that this is one area that counselors do feel they are provided training as this is a confusing process that changes every year. Even with the training, however, counseling staff felt that it would be very beneficial to have a point person to go to with questions or to disseminate information.

Counselors deal with many legal and challenging issues. There really is no expert to go to with tough questions. Current counselors often have to rely on the opinion of their peers. Mr. Rufner reviewed many issues that counselors face on a routine basis for which he believed they do not receive adequate training. In addition, most counselors serve as first responders as part of their school's crisis team.

Mr. Rufner emphasized that school counselors are dedicated professionals who are strong advocates for their students. They are intervention

specialists, mediators, career and college planners, trained in social/emotional learning and collaborators to bring solutions to schools and student challenges. School counselors would like to be better. They would like to be champions for student success, specialists in reducing the dropout rate, experts in Child-Find and teachers of ASD SEL curriculum. They would also like to be consultants in crisis, student intervention and legal issues, as well as leaders in practicing a model Comprehensive Counseling Program.

Mr. Rufner presented four recommendations for the board's consideration. The first was support for two counselor curriculum coordinator positions, one for the elementary level and one for secondary level. The second was to reduce counselor/student ratio including having at least one full-time counselor in each school. The third recommendation is to conduct a review of counselor duties within the district for consistency and effectiveness. The final recommendation is to provide for more professional development opportunities.

Mr. Steele wondered what type of turnover there is in the district's counseling staff. Ms. Tracy Kennedy, a counselor at East High School, explained that while she did not have any specific data, there is a very high burnout rate in counseling. Mr. Steele asked about the current number of counselors. Mr. Graff reported that there are 30.5 counselors in the elementary schools. Twenty-three counselors each support one school, four counselors each serve two schools, three counselors each serve three schools and there is one individual who works as a CSF counselor. Ms. Comeau noted that each school has the ability to use their FTEs to add counselors to their staff if they chose to. She acknowledged that the ratios are very high.

Mr. Steele noted that counselors are valuable assets. He believed that having a coordinator position, as well as more counselors overall, would help provide even better service to students. He was unsure if the district would be able to get there in the short term but hoped that progress could be made to make the best use of the counseling professionals currently on staff.

Mr. Steiner also appreciated the concern about the lack of a coordinator. He asked whether the 250 to 1 ratio recommendation is the same across elementary and secondary levels. He also wondered about the range of the ratios in best practice schools. Ms. Shelly Berry, counselor at King Career Center, noted that the ratios in the ASD high schools range from 300 to as high as 450 students per counselor. One of the things that Ms.

Berry was particularly concerned about was improving career counseling. She felt that a coordinator could help lead them in that direction.

Mr. Higgins asked what role counselors have in identifying struggling or high risk students. Mr. Chris Cavanaugh, counselor for the Creating Successful Futures program, explained that the counselor is an ideal position to identify students that would be good candidates for early intervention and prevention. Counselors at the elementary level are very active in helping to develop pro-social skills. Additional counselors at that level, as well as additional support for individuals in those positions, will have a positive long-term impact on students. Mr. Cavanaugh explained how instrumental a coordinator position would be in bringing elementary level counselors together and developing a solid curriculum.

Ms. Comeau voiced her appreciation to the counseling committee that prepared this material and presentation. They have raised some very valid issues. This information will be very important as the administration and board works through the budget process.

D. ANNOUNCEMENTS

Ms. Comeau announced that she had had the pleasure of attending the West High School Honors' Graduates breakfast. She was truly impressed with the caliber of the students and the support shown by their parents.

E. SPECIAL ADVISORY REPORTS

1. Student Advisory Board

Mr. Jose DelReal reported that the Student Advisory Board met about two weeks ago. They had passed a resolution concerning different English electives and the curriculum. He indicated the need for some additional research on the resolution before it is ready to be brought forward to the board.

The next meeting of the Student Advisory Board is scheduled for Tuesday, April 14, 2009.

2. Military Delegate

Col. David Shutt reported that they are working on the Chester Valley Elementary move to JFK on Ft. Richardson. He reviewed the timeframe for the move and noted that he did not anticipate any problems.

3. M.E.C.A.C.

The representative from MECAC was not able to attend the meeting.

F. PERSONS TO BE HEARD NON-AGENDA ITEMS

Ms. Pamela Keeler, parent of a Special Education student, voiced her appreciation for the district's support of the pre-school and extended resource programs and for her child's teachers. She noted that the extended resource program at Huffman Elementary currently ends after the first grade requiring the students to transition to second grade at a different location. She urged the district to develop a sustainable plan for elementary extended resource students. A large part of student success is the continuity at the same school with a common cohort of classmates and with familiar staff.

Ms. Comeau noted that this is an issue that the district will have to look at over the next year. The same situation was faced a few years ago when there was a primary program at Airport Heights and, due to boundary changes and school population growth, it needed to be moved. Ms. Comeau felt that the best thing the district did was to move the program to Ptarmigan where it became a K-6 program. There are great benefits to having the entire program in one location. The challenge is space and the need to accommodate the programs over time.

G. CONSENT AGENDA

Consent Agenda is attached. **All attachments referred to in memoranda Recommendations are on file in the Superintendent's office.**

1. Approval of Minutes
 - a. Regular Meeting - February 23, 2009
 - b. Special Meeting - March 23, 2009
2. ASD Memorandum #287 - Approval of SEARCH Program Refocus

It is the Administration's recommendation that the School Board approve the proposed refocusing of the SEARCH program. This would require discontinuing the current Behavioral Modification program and establishing a new Positive Approach Program, along with matching instructional staff who support and maintain the new program.

3. ASD Memorandum #303 - Bid Appeal: Playground Shredded Rubber Fill

The District has made the determination that shredded rubber fill will be the standard product for playground surface material. An Invitation to Bid was issued for 250,000 pounds of playground shredded rubber fill to be used at Baxter and O'Malley Elementary Schools on February 10, 2009. Three (3) bids were received before the submittal deadline of March 3, 2009 at 2:00 p.m. A bid from National Sales & Supply, LLC was received approximately one hour after the submittal deadline. Board policy permits consideration of a late bid if the bid was mishandled by the US Postal Service or by a commercial carrier when the envelope containing the bid bears commercial carrier affixed evidence of having been clearly marked for delivery in advance of the bid opening. After reviewing tracking information showing UPS delayed and mishandled delivery of National Sales' bid, the Contracting Office opened National Sales & Supply's bid. The district issued a Notice of Intent to Award to National Sales & Supply as the lowest responsive, responsible bidder on March 4, 2009.

4. ASD Memorandum #264 - Resolution Supporting Administrative Professionals Day, April 22, 2009

The Administration recommends the Anchorage School Board approve and adopt the attached resolution in support of the Administrative Professionals Day, April 22, 2009.

5. ASD Memorandum #288 - Adoption of Tentative Agreement: TOTEM Association of Educational Support Personnel, APEA/AFT (AFL-CIO), 2009-1012

It is the Administration's recommendation that the School Board approve and adopt the Collective Bargaining Agreement between the District and TOTEM Association of Educational Support Personnel, APEA/AFT (AFL-CIO), which will establish terms and conditions of employment for TOTEM employees during the period between July 1, 2009 and June 30, 2012.

6. ASD Memorandum #254 - Approval of Professional Service Contract for Service High School Renewal Alternate Master Plan

It is the Administration's recommendation that the School Board authorize the Superintendent to negotiate and enter into a contract with Architects Alaska, Inc. to provide professional design services for schematic design of the Service High School renewal project's approved Alternate Master Plan, in an amount not to exceed \$625,000.

7. ASD Memorandum #238 - Approval of Appointments to the Health Curriculum Committee

It is the Administration's recommendation that the School Board appoint the following parent and citizen members to the Health Curriculum Committee: Shalome Cederberg, Elementary Parent Representative, Chris Reynolds, Elementary Parent Representative, Laura deMander, Middle School Parent Representative, Teresa Zimmer, High School Parent Representative, Rebecca Love, Community-At-Large Representative, Tracy Speier, Municipal Department of Health Education Representative, Glenn Petersen, Cleric Representative through an Interfaith Group, Atisa Logo, Minority Education Concerns Advisory Committee Representative, and Janet Alexander, MD, Medical Advisory Board's Physician Representative.

8. ASD Memorandum #265 - Prior Approval : Indian Education Continuation Grant Application for 2009-2010

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to submit the Title VII Indian Education grant application in the amount of \$2,244,717 for FY 2009-2010.

9. ASD Memorandum #266 - Prior Approval of Grant Award: Alaska State School for Deaf and Hard of Hearing

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to accept the Department of Education contract for the instructional support component of the Alaska State School for Deaf and Hard of Hearing in the amount of \$319,000.

10. ASD Memorandum #267 - Prior Approval of Grant Award: Title VI-B Individuals with Disabilities Education Entitlement and Pre-School Disabled Incentive

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to submit the Title VI-B Individuals with Disabilities Education Act Entitlement Grant and the Preschool Disabled Incentive Grant for FY 2009-2010. The total amount for both grants combined is \$12,249,825 based on the attached budgets (Attachments A and B).

11. ASD Memorandum #256 - Prior Approval of Grant Award: Providence Heights, School for the Handicapped

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to accept the Department of Education contract for the instructional support component of the Providence Heights, School for the Handicapped in the amount of \$145,000.

12. ASD Memorandum #273 - Acceptance of Donation: Providence Alaska Medical Center

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to accept a donation valued at approximately \$12,000, from Providence Alaska Medical Center.

13. ASD Memorandum #236 - Award of Contract: Campbell Elementary School Domestic Water Systems Upgrades

It is the Administration's recommendation the School Board approve and authorize the Superintendent to award a contract for the Campbell Elementary Domestic Water Systems Upgrades Project to the lowest bidder, Watson & Sons General Construction, Inc. for the Base Bid amount of \$206,115, and Assignment A for \$3,745, Alternate #2 for \$18,460, Alternate #3 for \$14,569 for a total award price of \$242,889.

14. ASD Memorandum #237 - Award of Contract: ASD Facilities Domestic Water Systems Upgrades

It is the Administration's recommendation the School Board approve and authorize the Superintendent to award a contract for the ASD Facilities Domestic Water Systems Upgrades Project, to the lowest bidder, Consolidated Contracting and Engineering for the Base Bid amount of \$214,222, and Additive Alternate #1 for \$12,222 for a total award price of \$226,444.

15. ASD Memorandum #251 - Award of Contract: Cisco wireless Equipment and Smartnet Maintenance

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract to World Wide Technology, Inc. to purchase Cisco Wireless Equipment and Smartnet Maintenance in the amount of \$343,958.

16. ASD Memorandum #270 - Award of Contract: Gruening Middle School Roof Repairs

It is the Administration's recommendation the School Board approve and authorize the Superintendent to award a contract for Gruening Middle School Roof Repairs to the lowest bidder, Alaska Standard, LLC for the Base Bid in the amount of \$95,642 and Alternate No. 1 for \$10,811, Alternate No. 2 for \$12,518, Alternate No. 3 for \$5,121 and Alternate No. 4 for \$18,208 for a total award price of \$142,300.

17. ASD Memorandum #274 - Award of Contract: Mountain View Elementary School Site Lighting & Parking Lot Upgrade

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Mountain View Elementary School Site Lighting and Parking Lot Upgrade to, the lowest bidder, GMG General, Inc. for the Base Bid award in the amount of \$278,050 and alternate #1 in the amount of \$7,350 for a total award price of \$285,400.

18. ASD Memorandum #275 - Award of Contract and Reallocation of Funds: Whaley School Fire Alarm and Security Upgrades

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Whaley School Fire Alarm and Security Upgrade Project, to the lowest bidder, Swanson General Contractors, Inc. for the Base Bid amount of \$199,900; the Administration further recommends that the School Board approve a reallocation of Capital Projects Fund Interest Earnings of \$82,745 in support of this project.

19. ASD Memorandum #276 - Award of Contract: Miscellaneous School Supplies

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract to Arctic Office Products to furnish Miscellaneous School Supplies in the amount of \$163,150.

20. ASD Memorandum #289 - Award of Contract: Track Upgrades at Gruening, Central, and Hanshew Middle Schools

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract for the Track Upgrades Project at Gruening, Central, and Hanshew Middle Schools to the lowest bidder, Alaska Frontier Services, LLC for the Base Bid award amount of \$1,207,000, Alternate A for \$84,000, Alternate B for \$94,000, Alternate C for \$3,000, and Alternate D for \$9,100 for a total award amount of \$1,397,100.

21. ASD Memorandum #290 - Award of Contract: Term Contract for Special Inspection Services

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award term contracts to R&M Consultants, Inc., EMC Engineering, Inc. and DOWL-HKM, to perform International Building Code (IBC) special inspection services with an initial contract term of one year with options for three additional one-year extensions.

22. ASD Memorandum #292 - School Board Policy Revision: Section 536.3 Anchorage School District 403(b) Defined Contribution Plan (First Reading)

It is the Policy Committee's recommendation that the School Board approve on First Reading revisions to Anchorage School Board Policy 536.3, Anchorage School District 403(b) Defined Contribution Plan. (Attachment A)

23. ASD Memorandum #293 - School Board Policy Addition: Section 780 Records Management (First Reading)

It is the Policy Committee's recommendation that the School Board approve on First Reading the proposed addition to Anchorage School Board Policy, Section 780 on Records Management. (Attachment A)

24. ASD Memorandum #294 - School Board Policy Revision: Section 345 The School's Responsibility to Homeless Children (First Reading)

It is the Policy Committee's recommendation that the School Board approve on First Reading revisions to ASD School Board Policy 345, The School's Responsibility to Homeless Children. (Attachment A)

25. ASD Memorandum #295 - School Board Policy Revision: Section 332.2 Lottery Procedures - Open Enrollment (First Reading)

It is the Policy Committee's recommendation that the School Board approve on First Reading a revision to Anchorage School Board Policy 332.2, Lottery Procedures - Open Enrollment. (Attachment A)

26. ASD Memorandum # 261 - Personnel Report

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

Mr. Friedman indicated that ASD Memorandum #303, Bid Appeal: Playground Shredded Rubber Fill, needed to be pulled for discussion.

Mr. Steiner requested that ASD Memorandum #251, Award of Contract: Cisco Wireless Equipment and Smartnet Maintenance; ASD Memorandum #276, Award of Contract: Miscellaneous School Supplies; and ASD Memorandum #293, School Board Policy Addition: Section 780 Records Management (First Reading), all be pulled for discussion.

Mr. Steiner also requested that ASD Memorandum #263, Assessment Calendar for 2009-2010 School Year, and ASD Memorandum #262, Third Quarter Suspension/Weapons/Expulsion Report FY 2008-2009, be pulled from the Superintendent's Report for discussion.

ACTION:

Moved by: John Steiner
Seconded by: Tim Steele

To approve the Minutes of the Regular Meeting of February 23, 2009, and the Special Meeting of March 23, 2009 and Memoranda #287, #264, #288, #238, #265, #266, #267, #256, #273, #236, #237, #270, #274, #275, #289, #290, #292, #294, #295, and #261 with addendum.

VOTE:

Ayes: Friedman, Kennedy,
Higgins, Mackie,
Roberts, Steele, Steiner

Nays: None

MOTION PASSED

Ms. Comeau introduced Ms. Linda Carlson who has been selected as the new Executive Director of Elementary Education. Ms. Carlson is currently the principal at Bear Valley Elementary School.

The meeting went into a brief recess to prepare for the discussion on the bid appeal.

ASD Memorandum #303 - Bid Appeal: Playground Shredded Rubber Fill

Mr. Friedman noted that the board will hear testimony from representatives of both National Sales & Supply and Play Systems North prior to making any recommendation for action. Ms. Lucy Skuba and Mr. Ian Pumphrey, of Play Systems North, and Mr. Jason Shragher, of National Sales & Supply, LLC, joined the meeting via telephone.

Ms. Comeau introduced Mr. Ruskin who completed the independent review of this bid protest which had been distributed for review prior to the meeting. She indicated that Mr. Ruskin would make his presentation and then each of the bidders would have an opportunity to comment. It will then be up to board members to proceed from there. Mr. Friedman noted that the documentation for this item included the memorandum, the bid documents, a letter dated March 11, 2009 from Ms. Skuba which is the original protest, and a letter and opinion from Mr. Ruskin dated April 1, 2009, and a letter dated April 8, 2009 from Mr. Shragher. Mr. Shragher noted that a letter from the commercial carrier documenting that the bid from NSS had been submitted in the required time frame and taking the responsibility for the delay in delivery had also been part of the documentation. He noted that that letter had been prepared in the timeframe requested and yet it evidently had not been included in the materials sent Mr. Ruskin. Ms. Comeau verified that Mr. Ruskin did have that documentation.

Mr. Ruskin presented an overview of his findings. He noted that the terms of the Invitation to Bids are very explicit. The bids were required to be received by the school district by 2:00 p.m. on March 3, 2009. It was a fixed time and, according to the ITB, if bids were not received by that time they were to be rejected. There is an exception in the ITB for postmarked bids that were submitted through the US Post Office, but Mr. Ruskin indicated that was not the case here. Bidders are cautioned in paragraph 5 of the ITB not to rely on the US mail system or any other second party for timely delivery of their bid noting that it is the bidder's sole responsibility to insure that their bid and/or addenda are in the physical possession of

the contracting office prior to the scheduled time for opening of bids. The bid from NSS was not received until just over one hour after the deadline. The difficulty with late bids, which are prohibited by the ITB, is determining how late is too late. The contract provides that immediately after the closing time the bids are to be opened and tabulated. Late bids are also banned as a matter of school board policy in Section 725.254. The difficulty arises in that there is some discretionary power provided in the policy. The language in that section attempts to expand on the US mail situation, in which only the postmark counts as qualifying documentation, by trying to address commercial carriers. Mr. Ruskin summarized the language as stating that the district reserves the right to consider bids which have been delayed or mishandled by a commercial carrier when the envelop containing the bid proposal bears commercial carrier-affixed evidence clearly marked for delivery. Mr. Ruskin felt that it was hard to say what was intended by this statement. The definition of commercial carrier-affixed evidence is not altogether clear. He believed that, in this particular case, it is vague enough to be inapplicable. He explained that in this case the customer, NSS, prepared the label using the computer and software provided by the carrier and put the label in the sleeve and at some later time the package was picked up by the carrier for delivery. The label does not state when the package was picked up. There is a code on the label but it Mr. Ruskin did not believe that was equivalent to a postmark.

In this particular case district staff ran the package codes through the computer using the tracking number on the label. It was discovered that the package was shipped on February 26, 2009 and arrived in Anchorage the day prior to being delivered. Upon receipt of the bid package the district's contract coordinator sent a letter to NSS stating that, in order to consider the late bid, the district needed written confirmation from UPS that the date and time of pickup, 2:20 p.m. on February 26, 2009, was sufficient time to guarantee delivery to the district by the bid opening time, 2:00 p.m. on March 3, 2009. The letter further stated that the confirmation had to be received prior to 5:00 p.m. March 4, 2009. Absent that confirmation NSS was told that the district would return the bid unopened in accordance with board policy. Mr. Ruskin noted that the response to that letter is dated March 9, 2009 from UPS and did not answer the question but rather indicated that UPS would take full responsibility for the delivery problem. It was Mr. Ruskin's contention that NSS could have avoided this whole issue by following the tracking of the package and communicating with UPS as to the deadline for delivery.

Mr. Ruskin stated that the bottom line is that, if the district is following the rules, the bid was delivered late and it should not have been considered. There are instances in which discretion may be allowed but he felt that this was an inappropriate situation to use discretion especially when late bids are the one excuse for not waiving the rules.

Ms. Lucy Skuba and Mr. Ian Pumphrey of Play Systems North addressed the board via telephone conferencing. Ms. Skuba explained that Play Systems North had appealed award of contract because she felt that the discretion was not applied properly. The way that she had interpreted the ITB was that discretion for late bids could only be allowed for bids mailed using the US Postal Service which had been clearly marked with their stamp three days prior to the deadline. Therefore NSS was non-responsive because their bid did not fall under those terms. She felt that the issues with the commercial carrier were irrelevant. Mr. Pumphrey noted that the ITB also specifies that the postmark evidence must be readily identifiable without further action needed by district employees. In this case district employees had to go out of their way to phone NSS and look up tracking numbers which are obviously further actions. In addition Mr. Pumphrey pointed out that the bids were already opened and published prior to the bid being received from NSS. Emails had gone out to all bidders with the results. It was Mr. Pumphrey's contention that the NSS bid should never have been opened as it did not meet the ITB.

Mr. Shragher noted that the bid was already in the hand of UPS and that it was not and could not have been tampered with. Mr. Shragher disagreed with the assessment that the commercial carrier did not provide affixed evidence. He noted that the commercial carrier tracking number can not be tampered with and is available at any time to any interested party. In this case the bid package was picked up by UPS more than three days prior than what was requested by the district. NSS felt that using UPS provided a better means of tracking the package and would assure that the document would get there on time. Mr. Shragher noted that UPS had clearly taken responsibility for the late delivery. In response to the comment that NSS should have called UPS in Anchorage to assure that they would delivery the package before the deadline, Mr. Shragher reported that they had called UPS and had been told that the package would be delivered on time. Mr. Shragher emphasized that NSS had done everything within their power to comply with the ITB.

Mr. Steiner noted that Mr. Ruskin stated that, in his judgment he believed that this was not an appropriate situation in which to exercise discretion. He wanted to be clear, however, that Mr. Ruskin was not indicating in his

judgment that the board could not legally exercise discretion if adequate support was provided for that decision. Mr. Ruskin explained that the only way that the board has discretion, as he read the policy, is if meaning is given to the language "commercially-affixed evidence clearly marking for delivery." In his opinion that is the only place allowing for the use of discretion.

Mr. Higgins noted that he identified evidence as anything that provides proof that something happened. In the case of using commercial carriers there is both a tracking number and a system to monitor the progress. That, to him, constituted evidence. He did not believe that there is any evidence that anybody developed a bid after the bid process was complete. Mr. Ruskin absolutely agreed with that assertion. Mr. Higgins verified that the purpose of having rules about late bids is to make sure that there is no access to bid information that would allow for a bid to be developed with prior knowledge of other bids. Mr. Ruskin noted that the issue is with the date stamp which would document when the package was actually picked up or dropped off for delivery. There is nothing on the envelope that clearly states the time and date of pick up or an indication of a deadline for delivery. Mr. Higgins indicated that he identifies an "or" statement in the policy, not an equivalency statement which Mr. Ruskin seemed to be referencing. He believed that Mr. Ruskin is holding the issue to a higher standard than appears to be in the policy.

ACTION:

Moved by: John Steiner
Seconded by: Pat Higgins

To approve and authorize the superintendent to award a contract for playground shredded rubber fill to National Sales & Supply, LLC in the amount of \$136,250.

Mr. Steiner noted that he appreciated that Mr. Ruskin provided some standards that were very useful for this discussion. Mr. Steiner agreed with the analysis that the core interpretation of the board's discretion lies in interpretation of the requirements for a commercial carrier-affixed evidence of having been marked for delivery before the bid opening date. Mr. Steiner felt that the UPS tracking number, the website and the program indicating Second Day Air was evidence of what was ordered even though it can not be totally identified simply by looking at the label. Board policy simply asks for evidence to a reasonable degree of being able to make that determination. Mr. Ruskin had stated that he was reading into the commercial carrier a reasonably high degree of proof similar to that of the US Post Office. Mr. Steiner did not believe that the policy

required that degree of proof. The policy states that, with a postmark, a bid will be allowed regardless of when it arrives as long as it was mailed within three days of the deadline. The rule for a commercial carrier is different and therefore the same standard does not need to apply. With a commercial carrier the rule is that if it is marked for delivery before the bid opening date it will be allowed. Commercial carriers actually have move evidence of pickup time and date as well as anticipated delivery time and date. Mr. Steiner did not believe that there was anything in policy that required using only evidence visible to the naked eye on packages delivered via commercial carrier. In this particular case the staff was able to quickly confirm the date that the package was picked up, the fact that it was mailed Second Day Air, and the date that it arrived in Anchorage. The package was in the hands of UPS by February 26, 2009 which allowed for a five day window for delivery prior to the bid opening date. Mr. Steiner felt that NSS was subject to the vagaries of UPS's mishandling resulting in what could be said was a disadvantaged over other bidders. The Alaska legal standard is whether a variance in a bid gives one party an unfair advantage over the other bidders. Mr. Steiner had a strong sense that it would be in the public interest and favorable to competition to exercise the board's discretion in a way that doesn't give a particular party an unfair advantage but prevents that party from having what might otherwise be an unfair disadvantage. Mr. Steiner stated that there was sound reasoning to apply discretion and award this contract.

Mr. Higgins addressed the issue of the letter requested from UPS. He did not believe that there was any requirement for such a letter. He also addressed the topic of negligence and the supposition that NSS should have been more diligent in tracking their bid. He did not see that as a reason to not award the contract to NSS. The most compelling issue to Mr. Higgins was that this did not give any advantage in the bid process. Mr. Higgins indicated that if he felt that there was any possibility for NSS to have had an advantage in developing the bid he would have an entirely opposite view. In this case, however, he felt that it was in the best interest of the public to have accepted the bid and now to award the contract.

Mr. Friedman noted that it makes sense to not count postage meter strips for this purpose as they have a history of being easily manipulated. That may be the reasoning behind the post mark rule and distinguishing the two. He believed that it was reasonable to say that the tracking number and the other information available through the computer program can be used as evidence that the package was clearly marked for delivery. He did not believe that the policy either required or prohibited either looking at a calendar to check whether the post mark was within three days or

looking at a computer to check the tracking number. The evidence must be something totally independent of the vendor.

Mr. Friedman asked if there have been situations where bid documents have come through commercial carrier past the deadline but staff has been able to check the tracking number and have accepted the bid. Ms. Chenier explained that the district received one or two late bids a year through commercial carrier and this same process is followed. It is not unique to this bid.

In response to a question from Ms. Kennedy it was noted that the district does not notify bidders of receipt of a bid. Ms. Kennedy asked when the district opened the bid from NSS. She wondered if it was opened immediately after it was received or if staff waited until after verification of when it was actually shipped. Ms. Chenier reported that the bid was not opened until after verification of shipment. Ms. Kennedy voiced her concern with the ITB. She felt that the language in the ITB contradicts some of the board policies. She pointed out the statement in the ITB that cautions bidders not to rely on the US Postal Service or any other second party for timely delivery of their bid. She wondered if there was any other means for a company to comply with getting a bid in on time. Ms. Chenier noted that bidders who use commercial carriers are able to track their packages. The bidders also call the office to find out if bids have been delivered. Most people value their bids and make the effort to verify that they have been received on time.

Mr. Steele noted that he appreciated the point of view of all the parties. He indicated that as a school board there is a fiduciary responsibility to use discretion. He believed that the label certainly met the intent of the policy.

VOTE:

Ayes: Friedman, Kennedy,
Higgins, Mackie,
Roberts, Steele, Steiner

Nays: None

MOTION PASSED

The meeting went into recess out 8:25 p.m. and was called back to order at 8:40 p.m.

ASD Memorandum # 251 – Award of Contract: Cisco Wireless Equipment and Smartnet Maintenance

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract to World Wide Technology, Inc. to purchase Cisco Wireless Equipment and Smartnet Maintenance in the amount of \$343,958.

ACTION:

Moved by: John Steiner
Seconded by: Crystal Kennedy

To approve and authorize the Superintendent to award a contract to World Wide Technology, Inc. to purchase Cisco Wireless Equipment and Smartnet Maintenance in the amount of \$343,958.

Mr. Steiner indicated that he had pulled this item because it was another situation in which the district has bid a product specific item and technically board policies do not provide for that. It appears that this is a situation where there is a district standard. Mr. Steiner did not believe that this action was inappropriate but because it is not, strictly speaking, a matter of policy it requires that board policy be waived by passing the motion by a two-thirds vote.

Mr. Friedman noted that he had talked with Mr. Steiner after the last board meeting regarding the possibility of having an adhoc committee to determine how best to go about reviewing and revising the procurement policies. He did not think that it was appropriate for Policy Committee to try to rewrite this section. Mr. Higgins indicated that the district's attorney should be responding to a question from the Audit Committee on this issue within the next few weeks. Mr. Friedman noted that this is a bigger issue than just the sole source procurement.

Ms. Comeau supported the idea of an adhoc committee that would work with the district's attorney, Ms. Chenier, and her staff to make sure that current practices match board policies. It is really time to look at the entire 700 section of policy to bring it up to current practice and new technology.

VOTE:

Ayes: Friedman, Kennedy,
Higgins, Mackie,

Roberts, Steele, Steiner

Nays: None

MOTION PASSED

ASD Memorandum # 276 - Miscellaneous School Supplies

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to award a contract to Arctic Office Products to furnish Miscellaneous School Supplies in the amount of \$163,150.

ACTION:

Moved by: John Steiner

Seconded by: Macon Roberts

To approve and authorize the Superintendent to award a contract to Arctic Office Products to furnish Miscellaneous School Supplies in the amount of \$163,150.

Mr. Steiner noted that this is a similar situation in that the bid went out from a supply list item catalogue. The list item catalogue has specific brand name goods rather than simply a statement of specifications. He noted that there are, in many cases, many brand names given for a specific item and there is a process for receipt of samples to update the catalogue options. He indicated, however, that board policy does not currently provide for this method although it may be something that the board wants to look at. Mr. Steiner did not object to awarding the contract he merely wanted to state, on the record, that in approving the motion the board would be waiving board policy.

Ms. Comeau explained that there is an enormous amount of work that goes into deciding which products are worth the district spending money on. She recalled a big problem that the district experienced a few years ago with construction paper. She reviewed the extensive efforts that go into developing the catalogue. She noted that the policies could certainly be reviewed and brought up to date but encouraged the board to allow the professionals who have to use the supplies to be allowed to continue to use the list item catalogue.

Mr. Steiner noted that he understood the rationale for this process and it could be that the board just needs to update policy. For now he just

wanted the board to acknowledge that the action was being taken by waiver of policy on a two-thirds majority vote.

Mr. Friedman asked whether the fact that these are instructional materials allows for an exemption. Mr. Steiner did not believe that goods and supplies that are used in instruction are within the policy as instructional materials. He understood instructional materials to be textbooks and content curriculum. Mr. Friedman believed that the supplies in question are instructional materials.

Mr. Steele believed that the catalogue procurement is a valid method. If there is a problem with policy then the policy needs to be updated.

VOTE:

Ayes: Friedman, Kennedy,
Higgins, Mackie,
Roberts, Steele, Steiner

Nays: None

MOTION PASSED

ASD Memorandum #293 - School Board Policy Addition: Section 780
Records Management (First Reading)

It is the Policy Committee's recommendation that the School Board approve on First Reading the proposed addition to Anchorage School Board Policy, Section 780 on Records Management.

ACTION:

Moved by: John Steiner
Seconded by: Crystal Kennedy

To approve on First Reading the proposed addition to Anchorage School Board Policy, Section 780 on Records Management; which is Attachment A to Memorandum #293.

Mr. Steiner noted that there is reference in this memorandum to the Model Records Retention Schedule for Alaska School Districts and wondered what that was and what it provided for. In addition, the policy discusses destroying records that have no legal or historical interest and Mr. Steiner wondered what the provisions were with respect to student information.

Ms. Comeau explained that the Model Records Retention Schedule for Alaska School Districts is a model that the state distributes every year and expects all school districts to follow the same records policy. She noted that the administration could provide a copy of that document to board members. Ms. Berglund noted that she would send board members the website link.

VOTE:

Ayes: Friedman, Kennedy,
Higgins, Mackie,
Roberts, Steele, Steiner

Nays: None

MOTION PASSED

H. SUPERINTENDENT'S REPORT

1. ASD Memorandum #260 - Project Status Report

This is a report of activities and project status changes in Major Capital Projects during the period of March 5, 2009 through March 26, 2009.

2. ASD Memorandum #263 - Assessment Calendar for 2009-2010 School Year

A review of the 2009-2010 districtwide schedule of state/federal assessments and district surveys managed through the ASD Assessment and Evaluation Department.

Mr. Steiner asked if the Assessment Calendar had been compared with our district calendar to identify potential conflicts. Ms. Comeau reported that the state issues these calendars five years in advance so they have been taken into consideration when the district calendar was built. Ms. Gardner noted that there were no conflicts.

Mr. Steele asked about the issue with religious holidays and the calendar. Ms. Comeau reported that she and Ms. Gardner have had an interesting exchange with the Department of Education reminding them that Exit Exam, which is high stakes, is consistently scheduled on Passover. The administration has been in touch with them but, so far, they will not change their policy on the testing.

Ms. Kennedy asked whether the testing will again fall during municipal elections. Ms. Comeau indicated that it is always that same week but that the municipality will not change their dates. The schools have made it work.

3. ASD Memorandum #262 – Third Quarter Suspension/Weapons/Expulsion Report FY 2008-2009

Each quarter, information regarding suspensions and expulsions for various offenses, including weapons, is collected from the elementary, middle, and high schools, as well as from the charter schools. This information is shown in the narrative below and also as Attachments A-F.

Mr. Steiner noticed that there were some dramatic reductions in the suspensions, particularly at the elementary level. He offered his congratulations and asked whether there is any sense as to the reason for this trend. Mr. Graff explained that it is a combination of things including having a strong, cohesive curriculum and continuity with staff members, consistent implementation of the curriculum with students and communication with families. Ms. Vandergaw agreed that there are a number of reasons for this improvement but she felt that, first and foremost, credit should be given to the teachers and principals who are being incredibly pro-active looking for alternatives to suspension in ways that will serve as meaningful interventions. At the middle school level they continue to work to maintain a true Aggressors/Victims/Bystanders program which has proven to be incredibly helpful. Mr. Henry noted that the high school has also seen a significant decrease in suspensions. He credited that fact that there are no rookie administrators at the high school level administering discipline at any of the comprehensive high schools. A decision was made that holding on to students is so important that the most experienced, most confident administrators are in those positions. Mr. Henry also noted that the high school division is reaping the benefits of the elementary and middle school programs.

Mr. Steele noted his appreciation for the information on the first page of this report which shows the percentage of student not suspended or expelled. He acknowledged that a lot of time and resources are being spent on addressing disciplinary issues but believed that those efforts are saving students.

Mr. Steiner noted that it sounds like much of the improvement can be accredited not only to a change in student behavior but also to how situations are handled. Ms. Vandergaw acknowledged that both of those certainly have contributed to the improvement. She indicated that, just like we have become more refined in the ways we intervene academically, we are becoming better at finding ways to intervene with students who are having social emotional type issues that end up getting them in trouble. She believed that some credit can be attributed to the administrators expanding options for working with students but she also believed that much of the success lies with students learning to self-regulate.

Mr. Friedman highlighted the dramatic drop in the number of repeat offenders.

Ms. Comeau noted that the information on the first page of the memorandum is very enlightening. It is really nice to see that the vast majority of the students are following the rules and doing exactly what they are supposed to do.

4. ASD Memorandum #259 - Third Quarter End-of-Month Membership Summary - March 31, 2009

The end-of-month membership report for March 31, 2009 is attached (Attachment A). The total active enrollment at the end of March was 48,648. This enrollment represents an increase of 208 students when compared to the September 30, 2008 total of 48,440. .

I. SPECIAL PRESENTATION

Ms. Nancy Edtl, the director of Nursing and Health Services, introduced Battalion Chief Jim Foster, chief of paramedics for the Anchorage Fire Department, who is working with the Lauren Marshall Foundation to help pilot CPR in a Box. She also introduced Ms. Kathy Bell, a nurse at Goldenview Middle School, who was helping with the presentation. Ms. Comeau explained that the funds that were accepted from Providence on the Consent Agenda earlier in the meeting would be paying for the CPR in a Box kits. Ms. Edtl explained that Providence would be paying for the piloting of 400 kits for eighth graders at Goldenview Middle School. That pilot will begin in the next couple of weeks.

Chief Foster shared information about the Big Wild Heart of Anchorage which is the CPR initiative and asked for the district's support. He explained the background of the initiative. He also explained how the pilot at Goldenview will work. The goal is to first reach into the classroom and then, through the students, reach into the home with CPR training. Chief Foster reviewed many reasons why CPR training is so important.

The Big Wild Heart of Anchorage is all about encouraging citizen CPR. The opportunity to go into the school classroom to teach eighth graders and then to have them share the knowledge with their families is a fantastic opportunity. The goal is ultimately to have all 3600 eighth graders across the district trained every year. The organization is looking for community sponsors to purchase the kits.

Board members were able to view the video and work through the training program.

J. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

K. COMMUNICATIONS & SCHOOL BOARD COMMENTS

Mr. Friedman announced that there would be a Policy Committee meeting at 9:30 a.m. on Tuesday, April 14, 2009. He also noted that there will be a Board Retreat on Saturday, April 18, 2009 and a Board Work Session regarding the West/Romig Renovations on Monday, April 20, 2009.

L. EXECUTIVE SESSION - PERSONNEL/FINANCE/NEGOTIATIONS
LITIGATION

M. ADJOURNMENT

The Regular Meeting of April 13, 2009 was adjourned by unanimous consent at 9:30 p.m.

Jeff Friedman, President

Crystal Kennedy, Clerk

Johanna Lee, Recording Secretary

Date Minutes Approve