

NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT

ADVISORY SCHOOL COUNCILS' CONFERENCE

April 16, 2025

AS 14.08.041, 14.08.115

AS 14.08.041. Regional School Boards.

(a) A regional educational attendance area shall be operated on an area wide basis under the management and control of a regional school board.

AS 14.08.115. Advisory school boards in regional educational attendance areas.

(a) A regional school board shall establish advisory school boards in each community in the regional educational attendance area that has more than 50 permanent residents, and by regulation shall prescribe ... their powers and duties.

(b) An advisory board shall advise the regional school board on all matters concerning schools in the community.

NWABSD BP 8000. Concepts and Roles

“The Advisory School Council functions under the direction of the School Board. School Board policy and actions shall prevail and be followed. The Advisory School Council's function is advisory except in those areas that have been specified by [the] School Board.”

NWABSD BP 8130. The NWABSD Board may remove an Advisory School Council member “from office because of misconduct in fulfilling his/her responsibilities.”

NWABSD BP 8200. Powers and Duties

NWABSD AR 8320. Meeting Quorum and Motion Passage

BP 8200. “The powers and duties of the Advisory School Council are delegated by the School Board and may be discharged only at a legal meeting conducted according to Board policy and administrative regulations.”

BP 8200. Provides that all actions of ASCs must be taken in a legal [formal] meeting of the ASC.

AR 8320. Quorum

- “A majority of the number of filled positions on the Council constitutes a quorum.”
- “Affirmative votes by a majority of the Council’s membership are required to approve any action under consideration, regardless of the number of members present.”

The Alaska Open Meetings Act, which requires meetings be open to the public, applies to Advisory School Councils

AS 44.62.310(h)(1). Government Meetings Public. “Governmental body” includes boards, committees, or other similar bodies of a public entity with authority to establish policies or make decisions for the public entity, or with the authority to advise or make recommendations to the public entity.

NWABSD BP 8320. “All meetings of the Advisory School Council shall comply with the open meeting laws.”

NWABSD BP 8320/AR 8320. All Advisory School Council meetings, including work sessions, shall be open to the public and all actions of the ASC shall be taken publicly.

What is a “meeting” under the Open Meetings Act?

A meeting for purposes of the Open Meetings Act occurs when:

- ▶ more than three or a majority of members, whichever is less, are present;
- ▶ matter on which the body is empowered to act is considered by the members collectively; and
- ▶ the governmental body has authority to establish policies or make decisions.

AS 44.62.310(h)(2).

TRUE or FALSE?

In addition to being open to the public, the Open Meetings Act and NWABSD Board Policies require advance notice to the public of all Advisory School Council meetings.



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TRUE. AS 44.62.310(e) requires reasonable notice for all meetings required to be open under the law but does not define what is “reasonable.”

NWABSD AR 8320. “The Advisory School Council shall make the time and place of regular meeting a matter of public information and issue a public notice, to include agenda, at least (5) days in advance.”

NWABSD BP 8320, AR 8320. Notification of Meetings, requires all Advisory School Council meetings be publicly announced in advance of meeting to allow members and the public the opportunity to attend, and outlines notice requirements:

- ▶ 1. Regular meeting to be announced at least five (5) days in advance.
- ▶ 2. Special meeting to be announced at least twenty-four (24) hours in advance.
- ▶ 3. Emergency meeting may be held with less than 24 hours notice for an emergency “if all members are present or if the absent members sign a waiver, either before or after the meeting.”

TRUE or FALSE?

The ASC schedules a special meeting to consider and make recommendations with regard to student attendance and achievement. A notice posted at the school two days before the meeting which includes the date and location of the special meeting satisfies the notice requirements for the meeting.



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FALSE. NWABSD AR 8320. Notice of meetings should provide the time of the meeting as well. The notice only includes date and location.

TRUE or FALSE?

Three members of a five-member ASC meet at a potluck and discuss their children's science class project. A meeting has occurred for purposes of the Open Meetings Act.



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FALSE. AS 44.62.310(h)(2). A meeting occurs when more than three members or a majority of members, whichever is less, are present, and a matter on which the body is empowered to act is considered. Although their discussion is related to a school project, it is not related to a matter within the ASC's authority. Instead, the ASC members are speaking as parents and not within their roles as ASC members.

TRUE or FALSE?

Assume instead that the three ASC members at the potluck discuss a proposal for a local student activity program, but do not share with each other how they will vote on the program. A meeting has occurred for purposes of the Open Meetings Act.

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TRUE. AS 44.62.310(h). A meeting occurs when members are present and a matter on which the ASC is empowered to act is considered, no actual action is required.

BP 8200 “Within the guidelines established by the School Board, the Advisory School Counsel shall:

(5) Advise the principal as to the allocation of site/community generated funds earmarked for the local student activity program.”

Although the members did not indicate their decision, a meeting was held in which the matter was considered. Both votes and deliberations must be in a public meeting.

TRUE or FALSE?

The three ASC members at the potluck turn their discussion to qualifications and strengths of two applicants for the school principal position, for which the ASC designated a representative to participate in interviewing candidates.

Although this is a meeting, public notice of the meeting is not required under the Open Meetings Act because consideration of principal hire is a matter that would be held in executive session which is not open to the public.

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FALSE. First, BP 8321 provides, “The Advisory School Council may not hold executive sessions.”

Next, AS 44.62.310(b) provides: When matters are to be discussed in executive session, the meeting must first be convened as a public meeting and a vote taken as to whether to convene in executive session.

“The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private.”

TRUE or FALSE?

Instead of discussing a local student activity program at the potluck, the three ASC members debate the proposal over email and group text. This discussion is not subject to the Open Meetings Act because it took place electronically from the members' personal devices.



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FALSE. AS 44.62.310(h)(2)(A). A meeting is not limited to in-person meetings. Group text or email conversations, in which the minimum number of members are present, can constitute an open meeting.

The use of electronic messages to communicate among ASC members can constitute a “serial meeting.” You cannot avoid Open Meetings Act requirements by using written communication or by communicating with each other one at a time. As soon as the required number of members has participated in those communications, a meeting has occurred.

Because it has not been properly noticed or held in open session, the serial meeting violates the OMA.

TRUE or FALSE?

The emails and text messages exchanged between the ASC members are public records and subject to disclosure under Alaska's Public Records Act.



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TRUE. AS 40.25.220(3). Public records include those that are, or should be, preserved for their informational value or as evidence of the organization or operation of the district. *See also McLeod v. Parnell*, 286 P.3d 509 (Alaska 2012).

TRUE or FALSE?

All five members of an ASC attend the community Traditional Council meeting, suggestions for summer maintenance are discussed. The ASC members openly deliberate at the meeting and decide on suggestions for summer maintenance.

1. A meeting has occurred for purposes of the Open Meetings Act.
2. Since the Traditional Council meeting was public, the ASC member's decision with regard to recommendations for summer maintenance is appropriate so long as public notice of the Traditional Council's meeting was given at least five days in advance of the meeting.

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1. A meeting has occurred for purposes of the Open Meetings Act.

TRUE. AS 44.62.310(h). The minimum number of members required for a meeting under the Open Meetings Act attended and considered a matter within its jurisdiction.

2. Since the Traditional Council meeting was public, the ASC's decisions as to suggestions for summer maintenance is appropriate so long as public notice of the Traditional Council's meeting was given at least five days in advance of the meeting.

FALSE. NWABSD Board Policy requires all action of the ASC be taken in a legal [formal] meeting of the ASC, not another entity. Appropriate notice of the ASC meeting must be given including a statement of the purpose of the meeting. BP 8320/AR 8320.

The ASC has called a special meeting to select a representative from the ASC to participate in interviewing for the school principal position, and at this meeting a request from an outside group is made to use a school building for a celebratory gathering.

The ASC openly deliberates and approves the requested building use. The action is proper because the ASC was properly convened in a special meeting and the advisement of use of school buildings is within its jurisdiction.



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FALSE. AR 8320. At a special meeting, “No business may be transacted other than that stated in the notice of the meeting.”

AR 8320 further provides: “Public notice shall be given 24 hours in advance” and “include a statement of the purpose of the meeting.”

TRUE or FALSE?

The requirement for open meetings is limited and the right to go into executive session is quite broad.

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FALSE. AS 44.62.310(c); AS 44.62.312. Subjects authorized for executive sessions are narrow and defined in state law and NWABSD Board Policy. Alaska law underscores the intent that all meetings be open to the public and use of executive session is limited.

AS 44.62.312, State Policy Regarding Meetings.

- (a) It is the policy of the state that
 - (1) The government units... exist to aid in the conduct of the people's business;
 - (2) It is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;
 - (3) The people of this state do not yield their sovereignty to the agencies that serve them;
 - (4) The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
 - (5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

Provisions authorizing executive sessions “shall be construed narrowly in order to effectuate” these policies and “to avoid exemptions from open meeting requirements and unnecessary executive sessions.”

TRUE or FALSE?

NWABSD has entered into a Collective Bargaining Agreement (CBA) with the NWABSD Education Association as the exclusive representative of the district's teachers. In the event of a conflict between the provisions of the CBA and the district's policies and regulations, the terms of the CBA will control.



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TRUE. BP 4000; District policies and regulations shall apply only to the extent that they do not conflict with any collective bargaining agreement in effect between the district and its employees.

TRUE or FALSE?

One of the ASC's roles is to review applications and make decisions in the hiring and management of all school personnel at the site.

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FALSE. Management of all staff is delegated to the Superintendent. Under NWABSD BP 8200, the ASC's role is to assist in the selection of the school principal by selecting a representative from the Council or a designee to participate in interviewing candidates as part of the district interviewing team.

TRUE or FALSE?

A petition signed by at least 25% of parents whose children are enrolled in the school is sufficient basis for dismissal of a certificated employee.



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FALSE. AS 14.20.170 (a) outlines the three bases for dismissal of certificated staff. A teacher may be dismissed from employment only for the following causes:

- (1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;
- (2) immorality, which is defined as the commission of an act that, under the laws of the state, constitutes a crime involving moral turpitude; or
- (3) substantial noncompliance with the school laws of the state, the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent.

TRUE or FALSE?

Before a teacher is dismissed from employment with the District, he or she must be afforded due process, which includes a written statement of the District's evidence supporting the dismissal, and a hearing before the dismissal.

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TRUE. AS 14.20.180(a). Procedures Upon Notice of Dismissal or Nonretention. Before a teacher is dismissed, the district must provide the teacher written notice of the proposed dismissal and a pretermination hearing which comports with the minimum requirements of due process, including an explanation of the district's evidence and basis for the proposed dismissal and an opportunity for the teacher to respond through a pretermination hearing. If, following the pretermination hearing, the district determines dismissal is appropriate, it must provide written notice of the decision which includes a statement of cause and a complete bill of particulars.

TRUE or FALSE?

Because ASC responsibilities include developing staffing plans for the school, an ASC member must be allowed to review a teacher's annual performance evaluation on demand.

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FALSE. Personnel records, including teacher evaluations, are confidential under Alaska law and NWABSD Board policy.

AS 39.25.080. State personnel records, including employment applications and examination and other assessment materials, are confidential and are not open to public inspection except as specifically provided by state law.

AS 14.20.149(h). Information provided to a school district under the school district's certificated employee evaluation system concerning the performance of an individual being evaluated is not a public record and is not subject to disclosure.

4 AAC 19.040 Confidentiality of the evaluation. Requires school districts adopt procedures that protect the confidentiality of evaluation documents.

NWABSD BP 4112.6. Personnel Records. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent or designee, and those individuals authorized by the Superintendent or Board in accordance with administrative procedures.

Negotiated Agreements between NWABSD Board and Employee Associations have similar restrictions

TRUE or FALSE?

A parent brings a complaint about his child's teacher directly to an ASC member. Because the student is enrolled at the school under the governance of the ASC, the ASC member should personally investigate and respond to the complaint.

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FALSE. NWABSD BP 8200. Complaints concerning school personnel are to be directed to the school administration in accordance with BP 1312.1. ASC members have no authority to resolve complaints against personnel.

TRUE or FALSE?

Members of the ASC have received several complaints from community members about the school's middle school science teacher. The ASC may exercise its authority under BP 8200(11), crisis plan, to close the school until the teacher is removed from the site because continuing school under these circumstances is harmful to the well-being of students.



Members of the ASC have received several complaints from community members about the school's middle school science teacher. The ASC may exercise its authority under BP 8200, as part of its review and recommendation regarding the school's crisis response plan, to close the school until the teacher is removed from the site because continuing school under these circumstances is harmful to the well-being of students.

FALSE. Emergency Closure is for health and safety emergencies arising from inclement weather and other disasters. Complaints about personnel must be addressed through BP 1312.1. ASC does not have authority to resolve personnel complaints or respond to complaints by closing the school. Students have a constitutional right to public education under Alaska Constitution, Article VII, Section 1, Public Education.

AS 14.03.030. School term. A school term begins and ends on the dates fixed by the governing body of a school district. A school term shall include not less than 180 days in session unless approved by the commissioner.

4 AAC 05.090. Discontinuation or closure of schools. A community school may be temporarily closed only through action of the governing body of the district or regional school board, or the Superintendent may order the emergency closure of a school if closure is necessary to protect the public health or safety of the students, staff, or community.

TRUE or FALSE?

Northwest Arctic Borough School District is required by law and Board Policy to evaluate certificated staff in the performance of their professional duties.



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TRUE. NWABSD BP 4115. Evaluation/Supervision. “[T]he Superintendent or designee shall evaluate certificated personnel annually, including teachers, administrators, and special service providers. The evaluation system shall evaluate whether the certificated employee is exemplary, proficient, basic, or unsatisfactory on applicable content standards and in overall performance. The district’s certificated employee evaluation system will incorporate those procedures and mandates required by law.”

BP 4315. Evaluation/Supervision, Certificated Management Personnel. “The evaluation of administrative personnel shall be based on observation of the employee and assessment” on the criteria outlined in BP 4315. “The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.”

TRUE or FALSE?

Formal evaluation of NWABSD teachers must be completed by a person holding an administrative certificate issued by the Alaska Department of Education and Early Development.

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TRUE. AS 14.20.149(c). A person may not conduct an evaluation under this section unless the person holds a type B certificate or is a site administrator under the supervision of a person with a type B certificate, is employed by the school district as an administrator, and has completed training in the use of the school district's teacher evaluation system.

4 AAC 19.030(c). Evaluation procedures. An evaluation of a teacher, administrator, or special service provider under this title must be approved by a person who possesses an administrative certificate issued under 4 AAC 12.345.

TRUE or FALSE?

Although teacher evaluations must be conducted by a person holding an administrative certificate, families and students may provide input in the evaluation.



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TRUE. AS 14.20.149(b)(7). Employee evaluation. The certificated employee evaluation system must provide an opportunity for students, parents, community members, teachers, and administrators to provide information on the performance of the teacher or administrator who is the subject of the evaluation to the evaluating administrator.

4 AAC 19.030. Evaluation procedures.

In evaluating a teacher, administrator, or special services provider, a district ...
(2) shall consider information on the performance of the teacher, administrator, or special service provider provided by students, parents, community members, teachers, and administrators under AS 14.20.149(b)(7).