



# NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT

Ambler · Buckland · Deering · Kiana · Kivalina · Kobuk · Kotzebue · Noatak · Noorvik · Selawik · Shungnak  
PO Box 51 · Kotzebue, Alaska 99752 · Phone (907) 442-1800

## NWABSD BOARD OF EDUCATION

### Board Policy Committee Meeting

Conducted via Teams and in the NWABSD Boardroom

### Agenda

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**January 16, 2026**

1. Roll Call
2. Chairperson Nomination/Election
3. Items for 2<sup>nd</sup> Reading (Public Comment has been sought via the [District Website](#))
  - a. None at this time.
4. Items for 1<sup>st</sup> Reading:
  - a. **BP 5138 Student Possession and Use of Portable Electronic Devices Including Cellular Phones**
    - i. This policy makes a number of changes to the model cell phone policy, in light of HB 57. It provides districts several options on how to regulate cell phones in schools, and provides clarifying definitions.
  - b. **BP 6151 Class Size \*\*\*New Board Policy\*\*\***
    - i. This new policy establishes the class size requirement provisions that districts must create under HB 57.
    - ii. The administration is drafting an AR to outline the District's target ratio and procedures for reducing class sizes when possible and appropriate.
5. Items for Board Bylaw Review for the Worksession (These will become 1<sup>st</sup> Readings for the XXX Board Meeting Agenda):
  - i. **None at this time.**
6. New (or Previously Tabled) Items for Committee Review (These will become 1<sup>st</sup> Readings for the February Board Meeting Agenda):
  - a. **BP 5111 Admission**
    - i. This policy update reflects current statutory rules on when a student may begin school, based on their age at admission. It also includes the statutory provision stating that students who are suspended or expelled are not guaranteed admission.
  - b. **BB 9320 Meetings**
    - i. This update includes additional language to clarify virtual/remote meetings.
    - ii. This update also includes "virtual" by all references to "teleconference" for clarity and the addition of language to notify the Board President/Superintendent when attending an in-person meeting virtually.

**Committee Members:** Carol Schaeffer, Jeanne Gerhardt-Cyrus, Marie Greene, Millie Hawley, Erica Nelson  
**Technology Director:** Amy Eakin

MISSION: To provide a learning environment that inspires and challenges students and employees to excel.  
VISION: To graduate all students with the knowledge, skills, and attitudes necessary for a successful future.

**c. \*\*\*\*NEW 10000 CHARTER SCHOOL SECTION\*\*\*\***

- i. **BP 10000 Concepts and Roles**
- ii. **BP 10010 Establishment of Charter Schools**
  - 1. **AR 10010 Organization of a Non-Profit for a Charter School**
- iii. **BP 10020 Charter School Application**
  - 1. **E 10020 DEED Initial Charter School Application Form**
- iv. **BP 10021 Charter School Application Appeals**
- v. **BP 10030 General Requirements**
  - 1. **AR 10030.1 Organization of a Charter School**
  - 2. **AR 10030.2 Operation of a Charter School**
- vi. **BP 10040 Academic Policy Committee**
  - 1. **AR 10040.1 Code of Ethics**
- vii. **BP 10050 Principal/Lead Teacher**
  - 1. **AR 10050 Charter School Principal and Lead Teacher Evaluation**
- viii. **BP 10060 Meetings**
- ix. **BP 10070 Review of the Charter School**
  - 1. **AR 10070 Charter School Annual Review**
- x. **BP 10080 Amendment of Charter and Termination of Contract**
- xi. **BP 10090 Communication**

**7. Other Items Being Worked On:**

**a. BP 4180 Residency and Remote Work \*\*\*New Board Policy\*\*\***

- i. This policy is new and recommended by AASB to formally establish that employees may be permitted to work remotely, if permitted by the District.
- ii. Administration is scheduled to review the AR and supporting documents in February

**b. BB 9123 Clerk/Secretary and Treasurer**

- i. This update clarifies the responsibilities of the responsibilities to the Board. The title of the policy is also updated to include all positions cited in within the policy to be aligned to model policy.
  - 1. 12/1/25 confirmation from AASB that they are still working on the verbiage for 9123

**c. AR 5111.2 Part-time Enrollment Procedures**

- i. Remove all activities participation information not pertaining to part-time enrolled students
- ii. On hold per the Board's further discussion

**d. BP/AR 6145 Extracurricular and Cocurricular Activities**

- i. Add activity participation information from AR 5112.2
- ii. Outline fees for participation of non-NWBASD students
- iii. On hold per the Board's further discussion

8. Questions

- a. **BP 5131.6 Alcohol and Other Drugs** – Does the NWABSD receive Public Law 99-570 funds?
  - i. Checking
- b. **Can the Board hold an executive session during a worksession?**

**RESPONSE FROM LEGAL via AASB [the “I” in the response is Michael Caulfield]:**

While unusual, executive sessions can occur during work sessions. This is because they are generally “meetings” under the Open Meetings Act. As you note, a meeting is defined by the Open Meetings Acts (AS 44.62.310(h)(2)) as:

a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) more than three members or a majority of the members, whichever is less, are present, the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act, and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity.

Work sessions usually fall under this “meeting” definition because they are a gathering of the Board, and matters upon which the Board is “empowered to act” are considered. Importantly, a Board does **not** need to make a decision or a vote on an item to be in an open meeting under the act – consideration of the item is enough.

Note that it’s possible some work sessions would not be “meetings” under the Act (for instance, if the only purpose of the work session is for board training it likely is not technically a “meeting.”) However, the Open Meetings Act construes the definition of a “meeting” broadly. Out of caution and deference for the broad nature of the Open Meetings Act, I recommend work sessions be publicly noticed, even if they are for something that may not technically qualify as an open meeting.

Next, when a Board is in a “meeting,” they can enter executive session – regardless of the type of meeting. AS 44.63.310(b). So, executive sessions can be held in work sessions that are publicly noticed as an open meeting. However, there are three caveats to consider that may be creating some confusion:

1. Executive sessions, like any other agenda item at an open meeting, must be included on the public notice of the meeting. That means if a Board is going to go into executive session in a work session, that must be included in the public notice. So, a Board could not choose to go into executive session during a work session if there was not prior public notice they would do so. Further, courts will look at the seriousness and significance of an issue to determine whether notice under the Open Meetings Act

was sufficient. For instance, if there is a discussion around the closure of schools, that should be done in a regular meeting with ample public notice, and not in a special meeting with only 24 hours' notice. The same consideration goes for executive sessions during work sessions.

2. If a work session is noticed only as a work session where no votes will be taken, that holds true regardless of whether an executive session is held. So, a board could not come out of a work session executive session and hold a vote – the vote would have to wait for the next non-work session meeting.
3. The terms “regular meeting,” “special meeting,” “emergency meeting” and “work session” are not defined by the Open Meetings Act. Those are policy terms (guided in some cases by court decisions) to establish how much public notice is required before the meeting. I generally recommend work sessions be treated like any of the other three meeting types when it comes to notice. Note that work sessions are usually scheduled and noticed well in advance because they are not emergencies.

In sum, provided a work session is a public meeting (which they usually are) and there was proper public notice of an executive session on the work session agenda, a Board can go into executive session during the work session. However, the Board should consider the reason for going into the executive session during the work session, and should not do so to try and “hide” that it is happening. A couple real world examples of the times I most commonly see executive sessions held during work sessions are: 1) to provide guidance to a bargaining team during negotiations, and 2) to hold a student or employee discipline appeal hearing.

I think it's a good idea to add a paragraph about work sessions in BB 9320, to clarify how they relate to regular, special, and emergency meetings. I'll put that on the list for this upcoming release. Please let me know if you or the districts have any follow up questions about this.