

Complaint Form

March 6, 2023

Melissa Brooks-Johnson
3072 South Tongass Highway
Ketchikan AK 99901
907-821-7047

Complaint Against:
Diane Gubatayao,
KGBSD School Board
Board Member

Description of Complaint:

This is an official complaint against Diane Gubatayao following the last regular school board meeting held on February 22, 2023.

Summary:

On February 22, 2023 Diane Gubatayao went into the meeting with a personal vendetta to remove my current position of Assistant Superintendent, this is supported by the public statement she made to School Board President Stephen Bradford, in which she stated, "I have not supported this position since the beginning". It was brought to my attention that Ms Gubatayao was communicating with a small group of KGBSD employees and KEA members about my current position of Assistant Superintendent. Mrs. Gubatayao had expressed to certain members in this group that she did not support the position of Assistant Superintendent. The group urged Diane to make changes to the position and to take action at the next school board meeting. She even called KEA president Sarah Campbell to express her concerns with the position. Ms. Gubataya did in fact attempt to make changes to the position at the KGBSD meeting held on February 22, 2023 and did this without any formal evaluation of the position. This was done without any correspondence or prior collaboration between myself, Superintendent Robbins or all current serving members of the Ketchikan Gateway Borough School Board. This egregious public action taken towards me as a professional administrator in the KGBSD did cause harm to me as an employee. Ms. Gubatayo wanted to remove the position and her first supporting narrative was due to "budget concerns", the second narrative was this position changed to "a new position". During the board meeting on February 22, 2023 Ms. Gubatayo divided a single position to be removed and did not make an effort to discuss other administrative circumstances or consolidating other administrative positions. Diane Gubatayao's goal was to vote down the Assistant Superintendent position during a public meeting but, Mr. Bradford, President of the School Board, postponed action to vote on the contract till the next school board meeting held on March 8, 2023.

Diane Gubatayao stated that the Assistant Superintendent position was a new position, which is false. During this school board meeting the school board passed all other administrative positions, including a **new** district level administrative position. This is a violation of my contract as I have seniority and should have been offered a position to move into before offering administrators positions, if the goal was to in fact remove my position.

Diane Gubatayao also reached out to multiple KGBSD employees to discuss the position of the Assistant Superintendent which is out of her scope of duties as a School Board member. Diane Gubatayao also used email, text messages, and phone calls to influence and persuade school board business which is a violation of Board policy. If Ms. Gubatayao wanted to remove the position of Assistant Superintendent, then this should have been done during an appropriate time, such as a budget meeting. (see exhibit 1)

Violations-

- 1) Separating my contract from other certified administrator contracts. I was not given any warning, due process, or my administrative seniority in the KGBSD. As a veteran administrator with seniority in the district, I should have been offered a position, per my contract.
- 2) Stating in public that my position was a new position, but according to the document attached to the board packet stated, "Assistant Superintendent", which is the second year of this position and not a new position. (See attached document 8D)
- 3) Breach of Open Meetings Act as she specifically discussed an individual position with school board members to ensure pre-determined block voting in a public meeting.
- 4) Violation of confidentiality- Diane Gubatayao called, emailed, texted, and spoke with multiple KGBSD employees specifically in regards to Assistant Superintendent, which has a single name attached, which is protected under personnel matters and a breach of open meetings act.

Board Policy Violations:

BP 9200 - Board Members: Under limitations-

"No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools; nor, as an individual, command the service for any school employee."

Board member, Diane Gubatayao, exercised administrative responsibility by contacting School District employees to discuss other employee job duties, job performance, and overall worth to the district.

BP 9200(b) Bylaws of the Board- Board Members- Limits of Board Members Authority

"Board members have authority only in regularly called meetings of the Board, or when delegated specific tasks by Board Action."

Board member, Diane Gubatayao, used her school board authority to reach out and discuss personnel matters and influenced other board members which created block voting on a matter that should have been voted on in public.

Board member, Diane Gubatayao, used her school board authority to reach out and to discuss a specific position and personnel matters with staff in the Ketchikan Gateway Borough School District.

BP 9272 School Board Email Use Policy

"The Board shall not use e-mail as a substitute for deliberation at board meetings or for other communications or business properly confined in board meetings"

Board member, Diane Gubatayao, used her email to substitute and deliberate issues, and specifically discussed the Assistant Superintendent position and the removal of this position. (see exhibit 2)

BP 4117.30 Personnel Reduction

"The Board shall authorize the Superintendent or Designee to lay off employees in accordance with the law, district procedures, and any applicable collective bargaining provisions."

Board member, Diane Gubatayao, circumvented the district process and took it upon herself to lay off an employee in a public meeting without following district procedures and provisions in the employee contract. Ms. Gubatayao took the authorization away from the superintendent and did not follow policy.

BP 4313.20 Promotion / Demotion / Reclassification

"The Superintendent may promote, demote, and reclassify certificated and classified management employees when such action is determined to be in the best interest of the district. All decisions concerning promotion, demotion and reclassification shall be based upon the recommendation of the Superintendent or designee and prior consultation with district legal counsel. The Superintendent or designee shall ensure that the promotion, demotion and reclassification of management employees complies with applicable statutory deadlines and procedures."

Board Member, Diane Gubatayao, broke this policy by demoting a position due to not liking the "name" of an established position or not supporting the position in the district. Diane Gubatayao did not follow policy as she decided that she did not want this position and instead of going through the Superintendent she decided to use a public forum to make personnel decisions. Ms. Gubatayao did not follow proper procedures or deadlines in the employee's contract.

Resolution:

- Ms. Diane Gubatayao immediately stop all forms of harassment and discrimination against me as an employee of the KGBSD.
- Ms. Diane Gubatayao will voluntarily remove herself from the Ketchikan Gateway Borough School District School Board.
- The Ketchikan School Board will immediately Censor Diane Gubatayao for one year.
- The Ketchikan School Board mandates that Diane Gubatayao be taken off all SB committees, especially the Native Education Committee.



Melissa Brooks-Johnson

Deputy Superintendent job description

diane.gubatayao@k21schools.org Diane Gubatayao

Tuesday, February 21, 2023 at 10:52:19 AM Alaska Standard Time

To: michael.robbins@k21schools.org Michael Robbins, stephen.bradford@k21schools.org Stephen Bradford, crystal.vail@k21schools.org Crystal Vail

Good day, everyone,
I am respectfully requesting copies of two job descriptions:

Superintendent

Deputy Superintendent

Please forward in advance of Wednesday Board meeting.

Thank you, Diane

stephen.bradford@k21schools.org

Tuesday, February 21, 2023 at 11:39:12 AM Alaska Standard Time

To: diane.gubatayao@k21schools.org 'Diane Gubatayao', michael.robbins@k21schools.org 'Michael Robbins', crystal.vail@k21schools.org 'Crystal Vail'

Diane I am not sure how you intend to proceed but I have some concerns and we should probably talk.

If it is your intent to pull the Admin contracts from the Consent Agenda that is your right. However, we cannot single out any one contract without it going to an Executive Session – and we must give the subject the right to ask that discussion be in public. So nothing will happen to the position on Wednesday night. It will be deferred to a future meeting.

If the offering of Admin contracts is approved in bulk on Wednesday, the way for you to question the Asst Sup position is through the budget process and not by challenging the offering of this contract. Even if she accepts the contract, the position can still be eliminated by a vote of the board after the fact. Then, it is about the position and not about the person.

We can put you in touch with our attorney Clint Campion if you need further assurances.

Stephen Bradford

President, Board of Education

Ketchikan Gateway Borough School District

From: Diane Gubatayao <diane.gubatayao@k21schools.org>

Sent: Tuesday, February 21, 2023 10:52 AM

To: Michael Robbins <michael.robbins@k21schools.org>; Stephen Bradford <stephen.bradford@k21schools.org>; Crystal Vail <crystal.vail@k21schools.org>

Subject: Deputy Superintendent job description

cont...Exhibit 1

Good day, everyone,

I am respectfully requesting copies of two job descriptions:

Superintendent

Deputy Superintendent

Please forward in advance of Wednesday Board meeting.

Thank you, Diane

michael.robbs@k21schools.org Michael Robbins

Tuesday, February 21, 2023 at 12:33:05 PM Alaska
Standard Time

To: diane.gubatayao@k21schools.org Diane Gubatayao

Cc: stephen.bradford@k21schools.org Stephen Bradford, crystal.vail@k21schools.org Crystal Vail

Diane,

Here are the job descriptions. I believe the position of Deputy Superintendent is critically important to the success of the organization and how it functions. If you have any questions or concerns please reach out to me and we can discuss further. Thanks and have a great day!

Michael

On Tue, Feb 21, 2023 at 1:52 PM Diane Gubatayao <diane.gubatayao@k21schools.org> wrote:

Good day, everyone,

I am respectfully requesting copies of two job descriptions:

Superintendent

Deputy Superintendent

Please forward in advance of Wednesday Board meeting.

Thank you, Diane

--

Michael Robbins
Superintendent
333 Schoenbar Road
Ketchikan, AK 99901
Phone - 907-247-2109
GO KGBSD!
Everyone-Everyday!

Attachments:

JD Deputy Superintendent 03.15.2022.docx.pdf 53k

JD Superintendent of Schools.docx.pdf 65k

diane.gubatayao@k21schools.org Diane Gubatayao

Wednesday, February 22, 2023 at 3:02:54 PM Alaska
Standard Time

To: melissa.o'bryan@k21schools.org Melissa O'Bryan

----- Forwarded message -----

From: **Michael Robbins** <michael.robbins@k21schools.org>

Date: Tuesday, February 21, 2023

Subject: Deputy Superintendent job description

To: Diane Gubatayao <diane.gubatayao@k21schools.org>

Cc: Stephen Bradford <stephen.bradford@k21schools.org>, Crystal Vail <crystal.vail@k21schools.org>

Diane,

Here are the job descriptions. I believe the position of Deputy Superintendent is critically important to the success of the organization and how it functions. If you have any questions or concerns please reach out to me and we can discuss further. Thanks and have a great day!

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Michael Robbins
Superintendent
[333 Schoenbar Road](#)
[Ketchikan, AK 99901](#)
Phone - 907-247-2109
GO KGBSD!
Everyone-Everyday!

Attachments:

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JD Superintendent of Schools.docx.pdf 65k

ON THE TABLE

8d.

Consent Calendar

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT
BOARD OF EDUCATION
AGENDA STATEMENT

No. 8 d.

MEETING OF February 22, 2023

CONSENT CALENDAR

Reviewed By

Motion to approve the offering of Certificated
Administrator Contracts for the 2023-2024 School
Year

Superintendent
 Finance
 Personnel

SUBMITTED BY:

APPROVED FOR SUBMITTAL

Rayna Bird 907 247 2113
Name Phone

Superintendent

SUMMARY STATEMENT:

The Board is being asked to approve the offering of contracts to Administrators for the 2023-2024 School Year.

ISSUE & BACKGROUND:

All certified contracts must be approved by the Board, in accordance with Board Policy.

RECOMMENDATION:

Approval of the administrator contracts for the 2023-2024 school year.

FISCAL NOTE:

AMOUNT BUDGETED*

Salary \$ 1,648,709.00
Insurance \$ 266,897.20
Benefits \$ 230,984.13

\$ 2,146,590.33

**Amount to be included in the FY24 budget proposal*

ATTACHMENT: Certificated Administrators List, APC Recommendation 2023-2024

RECOMMENDED ACTION *(If not approved as part of the Consent Calendar)*:

"I move that the Board of Education **approve the offering of certificated administrator contracts for the 2023-2024 school year.**"

No. 8 d.
Attachment

Last Name	First Name	Position	Location
BOEHLERT	Sherilynn	Principal	Schoenbar Middle School
CRON	Michael	Director of Support Services	District Office
DORMER	Rick	Principal	Ketchikan High School
ESCALANTE	Alonso	Curriculum Director	District Office
HIGSON	Nicholas	Principal	Fawn Mountain Elementary
HOUSE	Jason	Assistant Principal	Schoenbar Middle School
LINDEMANN	Kurt	Principal	Revilla Alternative School
LIVINGSTON	Kayla	Principal	Ketchikan Charter School
MAXWELL	Cole	Assistant Principal	Ketchikan High School
MCLAREN	Steven	Principal	Point Higgins Elementary
OLSON	Daniel	Assistant Principal	Point Higgins Elementary
SCAMAHORN	Shane	Assistant Principal	Ketchikan Charter School
TROINA	Linnaea	Principal	Houghtaling Elementary
BROOKS-JOHNSON	Melissa	Assistant Superintendent	District Office

Deputy Superintendent position

diane.gubatayao@k21schools.org Diane Gubatayao

Wednesday, February 22, 2023 at 7:23:52 AM Alaska Standard Time

To: Paul.Robbins@k21schools.org Paul Robbins

Hi Paul

I am curious your thoughts on this position. I personally am frustrated given our budget situation but wanted to consult you directly.

My intent was to have discussion tonight but Stephen is discouraging it. Just wanted to know your thoughts. Thanks

paul.robbins@k21schools.org Paul Robbins

Wednesday, February 22, 2023 at 11:21:29 AM Alaska Standard Time

To: diane.gubatayao@k21schools.org Diane Gubatayao

Trying to catch up. Requested the minutes from Crystal because I don't see a position by position breakdown of the positions being eliminated.

Respectfully,

Paul Robbins Jr., MPS

School Board Member

Ketchikan Gateway Borough School District

Ketchikan, Alaska

760-586-8065

On Wed, Feb 22, 2023 at 7:23 AM Diane Gubatayao <diane.gubatayao@k21schools.org> wrote:

Hi Paul

I am curious your thoughts on this position. I personally am frustrated given our budget situation but wanted to consult you directly.

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