
DPS/DEA Negotiations Meeting #3

Minutes

Wednesday, May 1, 2019; 5:30 p.m.

Central Administration Offices Board Room

Negotiators Present:

Representing School Board: Board Vice President Kim Schwartz, Board Member Michelle Orton, and Superintendent Shon Hocker.

Representing Dickinson Education Association (DEA): Mr. James Fahy, Ms. Sara Berglund, Mrs. Shawna Knipp, and Mr. Jay Schobinger.

Others Present: Kristi Meidinger, Jolene Gress, JoAnn Coates, Paris French, Laura Bloom, Kalindi Brandvik, Donna Abrahamson, Beth Mink, Diana Stroud, Lee Mehrer, Chelsea Hartman, Brenda Loney, Marjorie Lehman, Lyle Smith, Shary Smith, Fern Pokorny, Jennifer Hausauer, Meghan Ziegs, Naomi Thorson, Shelly Wolberg, Mary Ann Reisenauer, Kristi Foster, Amy Sherer, Desirae Tibor, Dawn Sipma, Tad Schye, Sarah Ricks, Twila Petersen, and Kayla Henson from the Dickinson Press.

Call to Order – Dr. Shon Hocker, chair, called the meeting to order at 5:30 p.m.

Additions or Deletions to the Agenda – Mrs. Schwartz moved to approve the agenda, as presented. Mr. Fahy seconded the motion. The motion carried unanimously.

Introduction of Topics for Negotiations – Dr. Hocker noted, as per the Ground Rules, this meeting was the last meeting to introduce topics, unless mutually agreed by both parties. Neither party had a new topic to introduce.

Discuss Topics for Negotiations –

Chair Hocker opened the floor. Mrs. Schwartz proposed that the discussion begin with the Horizontal Movement / Lane Changes Date since the language was sent out and approved. Mr. Fahy added that the Maintenance of Standards Clause could be signed. Mrs. Schwartz requested to come back to this topic for some clarification. Mrs. Schwartz also requested to discuss the National Board Certification and Mr. Fahy concurred.

Horizontal Movement / Lane Changes Date – Mr. Fahy noted there were some concerns. Two days ago, information came from RESP with more classes. Mr. Fahy requested moving the date back on the proposed agreement to 15 days, or April 30. Mrs. Schwartz suggested an accommodation be made. Dr. Hocker said, from a budget perspective, if the dates are revised and pushed back, the April 30 final date would be moved to May 15. Business Manager Anderson also referenced the printing of the contracts were a consideration during the discussion of the timeline along with the budget. Mrs. Schwartz inquired if this information from RESP was for this year or in perpetuity. Mr. Fahy responded in perpetuity. Mrs. Schwartz will be attending an RESP meeting on Thursday and will show the proposed language to the RESP representatives.

Dr. Hocker said RESP may not be the only group to communicate late in the year about courses. He added as long as the employee has plans to make a horizontal move, the specifics of the course was not an issue. The intent of this change was to try to streamline everything so contracts could be issued as soon as possible without having to reissue the contract. Mrs. Schwartz suggested a clause for good cause shown. This topic was tabled until information could be brought back from the RESP meeting.

National Board Certification – Mr. Fahy said the date was satisfactory with the DEA.

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Dental and Vision – Mrs. Schwartz reported the Board requested to remove this topic from the negotiations discussion.

Maintenance of Standards Clause – Dr. Hocker read the proposed language. He asked for clarification. He referenced the last meeting and the conversation and some of the topics that were discussed, such as the career increments. For clarification, he inquired if there could be a conversation about possibly restructuring the salary schedule and career increments or would the proposed language bind the parties. Mr. Fahy responded that the negotiated agreement has an ending date. After lengthy discussions, both parties agreed the intent of the language was that the parties may discuss topics of negotiations. It was possible that new negotiators in the future could interpret the language differently. Mrs. Schwartz offered to take the language for review by legal counsel. This topic was tabled until Mrs. Schwartz receives a response from legal counsel.

Safe Workplace Language – Mr. Fahy had emailed the team proposed language to add a new section XIII to the Professional Negotiated Agreement.

XIII. Safe workplace for staff and safe and safe learning space for all students.

The district shall make a good faith effort to provide a place of employment that is as safe as the nature of the employment and duties reasonably permit. Teachers shall comply with district rules, regulations, and state law to protect safety and health of students and themselves.

1. Once a teacher reports a dangerous, unsafe, unhealthy, and/or unsanitary condition to her/his immediate supervisor, district administration shall begin investigation within Twenty-four (24) hours and student offender shall be removed until the investigation is complete. If the district administration finds dangerous, unsafe, unhealthy and/or unsanitary condition, district administration shall begin to take immediate steps to correct the conditions and remediate the student offender until such dangerous, unsafe, unhealthy, and/or unsanitary conditions have been resolved.
2. All teachers impacted by a dangerous, unsafe, unhealthy and/or unsanitary condition shall be provided written notification as to the resolution of the problem by the appropriate district/or school administrator.
3. If a teacher is in any way assaulted or threatened while in the performance of duties pursuant to his/her job description and/or other assigned duties, the teacher shall have the right to immediately report such assault or threat to the Dickinson Police Department. No reporting teacher or witnessing teacher shall be subjected to retaliation, threat of reprisal, discipline or penalizing of the teacher regarding the teacher's compensation, conditions, location and privileges of employment from any administrator as a result of contacting or cooperating with the Dickinson Police Department or any other law enforcement agency.
4. A teacher may request in writing that a conference be held concerning any student who, in the opinion of the teacher, presents a potential, actual or immediate danger to the safety of the teacher and/or other students. The school administrator shall promptly schedule such a conference with the teacher and, if practical, shall include other appropriate personnel and the student's parent or guardian. The school administrator shall consider recommendations resulting from the conference and shall implement any actions necessary to protect the safety of the teacher and/or students.
5. In addition to the protection of staff this would benefit the learning environment that we guarantee to all students in our district with protection and safety, physically and emotionally.

Chair Hocker requested the origin of the proposal. Mr. Fahy explained the DEA has monthly meetings. During those meetings, topics of concern within the classroom have been brought forward. A common theme over the past year has been students having outbursts. These could include tantrums, throwing things, hitting, biting, etc. Sometimes these outbursts are happening in the classroom where there are over 20 other students in the proximity. Mr. Fahy would like the teachers to have tools to take care of those situations without getting hurt themselves.

Mrs. Knipp shared some experiences. She said in the building where she works it is a daily occurrence. There are children who have a tantrum in any grade level, K-5. These students could be in the regular

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classroom and have behavioral needs that are not being taken care of. It is left to the teacher to deal with the situations. Some younger students have taken out their anger on the teacher or destroyed items in the classroom. As the students are older, there are verbal attacks. Students have also run away from teachers and the teacher is placed in a predicament of either staying in the classroom with over 20 students or chasing after the student running away. The teachers have been told they cannot touch a student unless the teacher or other students are in imminent danger.

Ms. Berglund added these types of situations are not unique to Dickinson Public Schools. It is a nationwide problem that is growing. She felt it needs to be addressed and evaluated. She was thankful for the District's Tier I, II, and III and felt those were moving in the right direction. There are so many students with behavioral needs that the teachers feel like they are being outnumbered. The administrators do as best as they can. The teachers do not want to automatically remove the disruptive student and place the student in the special education room. The teachers find other alternatives. It is difficult to find the right solution and feel safe. Sometimes the teacher needs to also assist another student in the classroom who has anxiety which can surface because of the disruptive behavior. Ms. Berglund said it is imperative the students feel safe as there cannot be high levels of learning unless the student feels safe. She said the proposed language will help protect the teachers and the students.

Dr. Hocker inquired what changes with the language. Ms. Berglund responded that the Century Code spells it out and the District's policy does not. The policy the DEA negotiators referenced was Dickinson Public Schools policy FF-Student Conduct and Discipline and administrative regulation FF-AR-Student Conduct Standards and Disciplinary Procedures.

Superintendent Hocker updated the team there was a Mental Health Task Force administrative debrief this evening. There will be an email going out in the near future to the entire Mental Health Task Force to schedule a meeting for next week after school. He will share this information from this meeting with the task force.

Mrs. Knipp shared that sometimes the disruptive behavior is being picked up by other students in the classroom that have not have had them before. She felt this was due to the disruptive student staying in the classroom. The teachers are working on positive behavior and intervention with the student. Dr. Hocker asked for suggestions for improvement. Mrs. Knipp responded there needs to be the ability at some point to realize that a student that has the behavioral side of things needs to be removed from the classroom in order to keep the other 24 students in the learning environment feel safe and where they are not going to pick up the poor behavior because of the exposure to the disruptive behaviour. She stated she was not a proponent of exclusion. She would rather include all students in the classroom. When the behaviors get to this extreme, it would be beneficial to have someplace to exclude the student to work on their behaviors as well as the instruction.

Mr. Fahy shared his experience working at Beach High School where some of the students that were placed in day treatment. Those students could work their way back into the classroom and then again back out of the classroom. He felt those students that are held accountable for their actions can then independently solve some of those actions.

Mr. Fahy referenced two newspaper articles in regards to teachers being assaulted at schools in Grand Forks and Fargo. He referenced the number of individuals going into the teaching profession has been diminishing. It is the goal of the teachers and administrators to have a safe learning environment for all students.

Mrs. Orton referenced the proposal regarding the language if a teacher was assaulted or threatened the teacher has the right to contact the law enforcement. Mr. Fahy recognized the aid was increased by the

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legislature this year. He thought the teachers should not be encouraged by supervisors or administrators not to contact law enforcement. Mrs. Orton explained the first year she taught she was physically attacked and law enforcement was contacted immediately because of the situation. She believes the Board negotiators are on the same page where they want it to be safe for the students and the teachers. Mr. Fahy explained that oftentimes when a teacher is assaulted, they are encouraged not to contact law enforcement as it has a negative connotation. The teachers need to feel protected and empowered.

Mr. Fahy referenced FF-AR and said it was adopted 2012. He said the language does not mimic North Dakota Century Code. Mr. Fahy stated the District's previous discipline policy descriptor code FF-Student Conduct and Discipline adopted in 2010 mimicked the Century Code. He didn't know why the District changed the policy and why the District removed it in 2012 and replaced it with administrative regulation FF-AR. Dr. Hocker requested to verify this and come back with a response. He noted Policy FF is a board policy and FF-AR would not be a board policy but the administrative implementation of the board policy and they are to be in alignment.

Mrs. Knipp said that teachers need to feel like they have something they can do. In some buildings, the teachers are told to handle the situation. Dr. Hocker said this will be improved as there was work done this year by the Mental Health Task Force. It was a process where they received teacher input and professional input. Regardless of however the team comes to terms, it will be better with having a plan in place. He added it is an international challenge and is very complicated. There are many, many personalities in the classroom and with the teachers. It would be very difficult to write policy and/or procedure on how to curb those individual personalities. The goal of a high reliable system is focusing on safe and collaborative foundation. That safety is students and staff and collaboration is getting the input from individuals.

Mr. Fahy recognized that policy could not be negotiated. He justified the reason this topic was brought up in negotiations was because sometimes the teachers feel they are not heard unless during negotiations. Mrs. Schwartz was concerned that the teachers didn't feel comfortable addressing the concerns except through negotiations. Mr. Fahy said he can feel the genuine empathy and whatever happens can filter through for a long time.

Ms. Berglund explained why this particular language for the proposal was used. The negotiators were trying to find something to protect and a universal step into some uniformity of what will happen if an incident would happen. If an incident would happen, in the proposed language, the student offender would be removed until an investigation had been completed.

Mrs. Schwartz inquired where the language was drafted in the proposal. Mr. Fahy said it was the DEA negotiators, Mr. Smith, and Attorney Mike Geiermann. He added there were many drafts. The intent was to make the Board negotiators aware that it is a big concern of the teachers.

Dr. Hocker shared some of the work being done by the Mental Health Task Force and when their report will be shared and a District plan that is also being drafted. Outside resource options are very limited. Dr. Hocker said the discussion on this topic will continue at a future meeting.

Debrief – The Dental and Vision Benefits topic was removed by the Board negotiators. An attorney will review the proposed language for the topic of Maintenance of Standards Clause.

There was a verbal agreement on the National Board Certification. Mrs. Schwartz will share information with RESP regarding the proposed language on the Horizontal Movement/Lane Changes Date topic and having a clause placed in the proposal in case something comes up that is unexpected.

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A proposal was shared from the DEA negotiators regarding the topic of Safe Workplace Language.

Schedule Next Meeting – By consensus, the next meeting was scheduled for Thursday, May 9 at 5:30 p.m. with two hours planned for the meeting. Superintendent Hocker invited the DEA and Board negotiators to a light meal in the lounge at 5:00 on May 9 since it will be a long evening.

Agenda Topics for Next Meeting – Chair Hocker felt all topics on this agenda could be on the agenda at the next meeting. Mrs. Schwartz proposed that the topic of Salaries be discussed. Chair Hocker asked for input for prioritizing topics. He added some topics are grouped together. Consensus of the negotiators was to continue with some topics grouped together. Ms. Berglund inquired if there would be numbers emailed before the next meeting. Mrs. Schwartz said that was her intention.

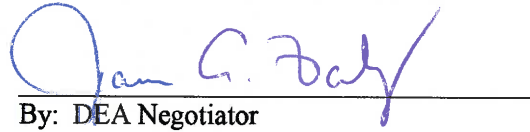
Adjournment – At 6:22 p.m., Chair Hocker declared the meeting adjourned.

Dated this 9th day of May 2019.

DICKINSON PUBLIC SCHOOLS


By: Board Negotiator

DICKINSON EDUCATION ASSOCIATION


By: DEA Negotiator

