

**TO:** School Board Members  
**FROM:** Douglas W. Sullivan, Superintendent  
**SUBJECT:** Agenda Background  
**DATE:** March 16, 2015

- I. **Call to Order** – Board President Fehr will call the meeting to order.
- II. **Public Participation** - Any person wishing to address the Board may do so by completing a written request prior to the meeting. The request must be within the guidelines of Board Policy BCBA, Public Participation at Board Meetings.
- III. **Open Enrollment Application** – At the March 9 Board meeting, Board members tabled the decision regarding an application for open enrollment for a child of Audrey McMacken. Board members requested additional time to do research. Action is requested. Board members must decide before April 1 if they wish to approve or disapprove the open enrollment application request for a child of Audrey McMacken from South Heart to Dickinson as per the open enrollment policy.
- IV. **Executive Session for Attorney Consultation to Discuss Teacher Grievances, Pursuant to N.D.C.C. §§ 44-04-19.1, and 44-04-19.2** - At the March 9, 2015 Board meeting, the Board tabled the decision regarding teacher grievances in order to obtain the advice of legal counsel. In anticipation of reasonably predictable civil litigation or adversarial administrative proceedings relating to the teacher grievances in Item V of the agenda, attorneys David Phillips and/or Amy De Kok of the law firm of Fredrikson and Byron, P.A. will advise the Board in executive session regarding the teacher grievances. The discussion will be limited to attorney consultation relating to the teacher grievances, in accordance with N.D.C.C. §§ 44-04-19.1, and 44-04-19.2.
- V. **Teacher Grievances** – The School Board has received grievances from 59 Dickinson Public Schools teachers. Available under Supporting Documents is a list of the teachers who have filed a grievance. The grievances were filed based on the teacher’s participation in Curriculum Night at the elementary schools on the evening of December 2. Curriculum Night was held as an opportunity for parents to be educated regarding the changes in the curriculum.

As per page 12 of the 2014-2015 DPS negotiated agreement, following are the steps for the grievance process. If no agreement is reached in each step it may move to the next step. The teacher filing the grievance must be present at each step of the procedure.

Grievance Step 1 requires the teacher to submit the grievance to the building principal.

- Grievances were received by the five elementary principals in early December 2014.

Grievance Step 2 requires the teacher to submit the grievance to the superintendent.

- December 18, 2014 - 17 teachers from Lincoln, 10 teachers from Prairie Rose and 13 teachers from Roosevelt submitted requests for a grievance conference.
- December 19, 2014 - 22 teachers from Jefferson submitted requests for a grievance conference.

- December 23, 2014 - 13 teachers from Heart River submitted requests for a grievance conference.

Superintendent Sullivan requested from the DEA that the grievances be grouped by building which would only necessitate five meetings; however, that request was not approved. Consequently, individual meetings for each grievant was scheduled in December for the Lincoln, Jefferson, Prairie Rose and Roosevelt teachers. Those filing the grievances requested the superintendent move the grievance conferences to January. Superintendent Sullivan granted the request and rescheduled all grievance conferences in January to accommodate the teacher's schedules and grouped the conferences by building. The grievance conferences were held January 6, 7<sup>th</sup>, 8<sup>th</sup> 9<sup>th</sup>, and 12<sup>th</sup>.

Grievance Step 3 requires the teacher to submit the grievance to the board.

- March 4, 2015 – one teacher submitted a request to the Board for a grievance conference.
- March 5, 2015 – 42 teachers submitted requests to the Board for a grievance conference.
- March 6, 2015 – 15 teachers submitted requests to the Board for a grievance conference.
- March 9, 2015 – one teacher submitted a request to the Board for a grievance conference.

The negotiated agreement states: “The board will communicate in writing a decision to the grievant within ten (10) working days after the meeting.” At the March 9, 2015, Board meeting, the Board heard public comments and discussed the teacher grievances. The Board tabled the decision regarding teacher grievances in order to obtain the advice of legal counsel. The Board will continue its discussion of the teacher grievances, and will communicate in writing a decision to the grievants.

## **VI. Adjournment**