

## Notes from School Board Meeting

Dickinson Public Schools  
Regular Meeting

March 9, 2015; 5:00 p.m.  
Central Office Board Room

The Dickinson Public School Board held a regular meeting on March 9, 2015, at the Central Administration Office. Board members present were: President Kris Fehr, Vice-president Jason Hanson, Mrs. Tanya Rude, Mrs. Sarah Ricks, and Ms. Leslie Ross. Administrators present were: Superintendent Douglas Sullivan, Assistant Superintendent Vince Reep, Dr. Marcus Lewton, Mr. Henry Mack, Dr. Becky Pitkin, Mr. Shawn Leiss, Ms. Sherry Libis, Mr. Jay Hepperle, Mr. Guy Fridley, Mr. Ron Dockter, Mrs. Dorothy Martinson, and Ms. Tammy Praus. Others present were: Tammy Meschke, Amber Berg, Kandace King, Kathryn Mavity, Amy Jo Hughes, Sandra Hood, Jamie Prellwitz, Dean Arneson, Jill Nelson-Wetzstein, Toni Goetz, Laura Bloom, Ruth McCabe, Trina Kudrna, Kelly Jahn, Tina Soto, Joan Cartmill, Daniel Cartmill, Judith Dalton, Clarence Hauck, Chelsea Roshau, Jim Steckler, Michelle Bechtold, Gerald Schubert, Yvette Schubert, Naomi Thorson, Kristi Stanley, Amanda Fisher, Burton Lewton, JoAnn Coates, Brian Woehl, Lyle Smith, Leann Mehrer, Jane Cornell, Kelcey Evers, Ashley Pulver, Barb Binstock, Leah Campbell, Jolene Gress, Jackie Glaser, Alicia Hutzenbiler, Crystal Hoerner, Amber Adams, Kristi Meidinger, Keith Fernsler, Leslie Wilkie, Karen Berg, Amanda DeMorrett, Twila Petersen, and Abby Kessler from the Dickinson Press.

**Call to Order** - Board President Fehr called the meeting to order at 5:00 p.m.

**Public Participation** – President Fehr noted there were four requests for public participation received. Public participation guidelines are posted in board policy BCBA which allows each individual four minutes to speak. Participation requests were received from Mrs. Tammy Meschke, second grade teacher at Roosevelt; Mrs. Kandace King, third grade teacher at Lincoln Elementary; Mrs. Mandy Lubken, second grade teacher at Prairie Rose Elementary; and Attorney Mike Geiermann. Mrs. Meschke addressed the Board noting she was continuing the grievance process. She said that teachers put in more than 90 minutes. Mrs. Meschke reflected the letter she received by Superintendent Sullivan and minutes from selective Collaborative Bargaining meetings in 2013. She felt the flex time of 90 minutes provided by the principal was not adequate since Curriculum Night lasted 90 minutes plus time for preparation. Mrs. Lubken addressed the board and spoke on behalf of the Prairie Rose teachers and also noted that 90 minutes was spent during Curriculum Night and additional time for preparation. She felt that the compensation of flex time was not adequate as the Prairie Rose teachers wanted to be compensated in a consecutive block of time. Mrs. King addressed the board and spoke on behalf of the Lincoln teachers. She said in addition to attending Curriculum Night, the classroom teachers were required to prepare lessons on language arts and mathematics to teach to the parents. She also said the notification to the Lincoln teachers about Curriculum Night was on November 24 which was a short time frame before the event. Mr. Mike Geiermann addressed the board and said he should be allowed 300 minutes to speak. President Fehr reminded him of the policy which allows four minutes per speaker. Both agreed he could speak for ten minutes. Mr. Geiermann noted the negotiated agreement, the mandating of Curriculum Night, necessary contingency in the negotiated agreement, relying on negotiations from two years ago, and the concept of merger. He also stated that teachers don't want to leave early during the day because they felt they would be putting the students in danger. President Fehr thanked the participants for their input.

**Additional Agenda Items/Removal of Items from Consent Agenda** – Mrs. Rude moved to add under the consent agenda item #e-Personnel Reports, the addition of the resignation of Blanca Lozano, mathematics instructor at Hagen Junior High. Mr. Hanson seconded the motion. Discussion: None. Assuming a roll call vote the motion carried unanimously.

**Consent Agenda** - Ms. Ross moved to approve the agenda including the revised consent agenda consisting of the minutes from the February 9 regular board meeting, the March 3 special board meeting; the bills for March 2015; the financial reports for March 2015; the pledged assets report for March 2015; the personnel reports including the resignation of Ms. Lozano; the student/staff recognitions; and the RACTC report; as presented. There were no tuition waiver requests. Mrs. Ricks seconded the motion. Assuming a roll call vote the motion carried unanimously.

**Superintendent's Report** – Superintendent Sullivan reported on the following items.

**Teacher Evaluation Instrument Committee** – This committee will meet this week Thursday, March 12 at 4:00 p.m.

**Hagen Repurpose Alternative** – Available under Supporting Documents is a list of possible options for the Hagen Junior High building repurpose. The list was created by Cabinet and is a work in progress. The discussion will continue tomorrow with the District-wide PAC Committee. Dr. Sullivan briefly discussed the 17 items on the list. Ms. Ross suggested a cost analysis base for the items. Board members provided suggestions for getting input from the community and felt the list had some great ideas.

### **Business Topics**

**DPS Foundation Report** - DPS Foundation President James Peters, Sr. addressed the Board sharing information on what the Foundation is doing which directly supports the Dickinson Public Schools. Mr. Peters provided a handout which included the names of the Board members and committee members, projects funded by the Foundation, and the Foundation's action plan. Mr. Peters noted the real purpose of the Foundation was to provide financial support to the teachers. This year the Foundation awarded over \$24,000 in program grants. The Foundation also has three scholarships. Ms. Ross is the Board representative on the Foundation Board. She suggested an annual report from the Foundation. President Fehr thanked Mr. Peters for providing information and updating the school board. This agenda item was informational only. No action was requested.

**Regional After School Program (RASP) Report** – An updated report from the Regional After School Program (RASP) is available as a supporting document on the website. RASP Director Katlyn Nelson and RASP Project Coordinator Christina Ridl addressed the Board. RASP provides service to over 500 families in Dickinson and additional families in Beach and Hebron. This is the second year of the 3-year grant cycle. Schools funded from the grant are Heart River and Roosevelt. This year iPads were purchased with some of the grant dollars. The iPads are mainly used to supplement the curriculum. With the younger students the iPads are used as a behavior incentive. Ms. Ridl is responsible for the curriculum standards. She does the lessons and coordinates them with the teacher benchmarks. The RASP program has approximately 50 partners that help support the program. Ms. Nelson explained that staffing is a concern. It would be ideal if the RASP program could be centrally located where all students are in one location. The staffing that is available could then be spread out amongst the students. The RASP program moved to Prairie Rose last summer and shared space with the teachers there. This interferes with the teachers preparing for their classrooms over the summer. The transition before and after the summer program creates time when the RASP cannot offer services because of relocating. Ms. Nelson said if the RASP program had its own area there would be no reason to close. RASP does provide services on inservice days. There is a lot of one-on-one with the students and the demand continually increases. President Fehr thanked the RASP representatives for the information and for the report. This agenda item was informational only. No action was requested.

**Teacher Grievances** – The School Board received grievances from 58 Dickinson Public Schools teachers. Available under Supporting Documents is a list of the teachers who have filed a grievance. The grievances are 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. Page 12 of the 2014-2015 DPS negotiated agreement lists 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. President Fehr noted that she has verified the steps have been followed to this point. Superintendent Sullivan briefly explained the process for teacher grievances. Grievance Step 1 requires the teacher to submit the grievance to the building principal. Grievance Step 2 requires the teacher to submit the grievance to the superintendent. The grievances were received by Superintendent Sullivan on December 18, 19<sup>th</sup>, and 23<sup>rd</sup>. Grievance conferences were conducted in January. Available under Supporting Documents is the Superintendent’s decision denying the requests of the teachers. As per the negotiated agreement the school board must provide a decision within ten working days of the board meeting. Dr. Sullivan referenced the April 24, 2014, Collaborative Bargaining Meeting minutes and the discussion regarding flexible time, the Writ of Mandamus requiring the 2013-2014 negotiated agreement be based on the negotiations that took place, and the portion of the negotiated agreement reflecting the working conditions. Dr. Sullivan attempted to establish individual teacher grievance meetings in December and received a form letter from most of the grievants saying they couldn’t meet with him in December. The form letter was identical for every grievant. Due to audience discussion and commotion, Board President Fehr called the audience to order using the gavel and she noted the board policy for decorum at a board meeting. A board member referenced the three 90-minute flex tickets that were provided by the principals to the teachers and asked if they were being utilized by the teachers. Superintendent Sullivan responded that four or five individuals that filed grievances had used at least one or all of the tickets. Building Principals do work with their faculty to provide some type of flexibility and regularly try to accommodate personal needs of the teachers. Superintendent Sullivan was asked how the Curriculum Night was planned. He responded the planning was conducted by the Director of Instruction and the building principals. The building principals worked with their faculty. It was placed in the administrator’s hands to provide the flex time. The Superintendent noted the teachers were offered 90 consecutive minutes of flex time on the last day of the school year but this offer was not met with a lot of teacher support.

The three teachers, Mrs. Meschke, Mrs. King, and Mrs. Lubken were invited to join the Board for further conversation regarding preparation for Curriculum Night. Mrs. Lubken said she worked on a plan that came from the reading coaches. Teachers were expected to either do a reading or writing lesson and then a math lesson. The lesson from the coaches was a bare bone lesson and very vague. The lesson was to be similar to how the teacher would teach the students to help the parent understand the common core standards and also how the reading workshop works. Mrs. King added the teachers professionally prepared for Curriculum Night. Mrs. Meschke had a document she shared with the Board members. She felt she had prepared about eight lessons and wanted to be prepared for any questions a parent might ask. At Roosevelt the night began with a 30-minute session in the gymnasium that all the teachers attended and people had a presentation and then teachers had breakout sessions from then on. A Board member asked how it was perceived and about parent participation. Mrs. Meschke responded there was no parent participants at Roosevelt. At Lincoln there were approximately 28 parents that attended, Prairie Rose approximately 40-50, Jefferson had approximately 50 parents, and Heart River approximately five parents. The teachers explained Curriculum Night was mentioned fall of 2013 and then again in October 2014. Teachers expressed concerns regarding it being scheduled so close to parent/teacher conferences. The teachers were not

**Teacher Grievances (cont.)**

notified until a week before the event. There was discussion regarding flex time. Board President Fehr thanked the teachers for the additional information. The elementary principals were invited to join the Board at the table and explain Curriculum Night, the expectations, and the flexible time provided to teachers. Jefferson Principal Rebecca Pitkin explained the tickets were provided to recognize the teachers for coming in extra. The principals thought it would be nice to provide the flex time tickets as an opportunity for teachers to leave early. Dr. Pitkin was informed by the Jefferson union representative that the teachers were asked not to utilize the tickets. Dr. Pitkin explained she has been flexible with the teachers in her building allowing them to leave early if they have an appointment or something with their children. A Board member reflected Mr. Geiermann's comment that there is a safety concern if the teachers leave early. Dr. Pitkin said the students are never unsupervised and after 3:00 the paraprofessionals take care of all supervision. The remaining elementary principals explained they are also flexible with the teachers and allowing them to leave early if they have an appointment or another commitment. Some buildings require the teacher to fill out a slip so that the front office is aware the teacher is out of the classroom. There was discussion regarding the negotiated agreement section on working conditions, necessary contingency, the judge ordering the District to carry out the contract based upon the negotiations that took place, the monetary amount attached to the grievance request of ½ day of leave or 90 minutes of leave and the substitute teacher pay attached to this request. Superintendent Sullivan explained his justification for denying the teacher grievance requests based on a letter from Mr. Geiermann to Attorney Bruner-Kaufman; page 6 of the April 24, 2013, Collaborative Bargaining Minutes; the negotiated agreement as it relates to the school day definition; the Writ of Mandamus; and the minutes from the July 24, 2013, Collaborative Bargaining Meeting.

A Board member requested additional time to consider the information provided and another Board member suggested legal counsel to provide direction to the Board. Board members would be attending the National School Boards Association Convention next week. After Board members reviewed their schedules, Mrs. Rude moved to table the discussion on the topic of teacher grievances until the Board could consult with legal counsel. She further moved to schedule a Special School Board Meeting on Monday, March 16 at 2:00 p.m. at the Central Office Board room. Mrs. Ricks seconded the motion. A roll call vote was taken: yeas-Ricks, Hanson, Rude, Ross, Fehr; nays-none. The motion carried unanimously.

Board President Fehr motioned to recess. At 7:10 p.m. the Board members recessed. At 7:20 p.m. Board President Fehr called the meeting back to order.

**Prairie Rose Elementary Expansion Update** - Assistant Superintendent Reep has posted under Supporting Documents a construction timeline for the new addition. Construction is a bit behind but only by a week. This agenda item was informational only. No action was requested.

**Middle School Update** – Superintendent Sullivan noted the DLR Group has requested meetings with various teachers and staff from Berg and Hagen and also meetings with the chairs from music and athletics. Berg Principal Shawn Leiss addressed the Board. He reported there are meetings almost every week. All areas are being reviewed including natural sciences, social sciences and family and consumer science. This agenda item was informational only. No action was requested.

**Open Enrollment Applications** – Open enrollment applications are completed by non-residency parents that wish their child (children) to attend DPS. Open enrollment applications are for parents that have recently moved and the deadline waiver applies (which the Board reviews throughout the year) **or** for parents that have not moved but wish their children to attend DPS. Those applicants that have not recently moved have a deadline of March 1 to turn in their application to DPS for the next school year. Jeffrey Davenport has requested open enrollment for his two children from South Heart to Dickinson. These children were tuition waived 2014-2015. The administrative recommendation was to approve the applications for those students already attending DPS. Action was requested. Mr. Hanson moved to approve the request for two children of Jeffrey Davenport from South Heart to Dickinson. Mrs. Rude seconded the motion. A roll call vote was taken: yeas-Hanson, Ricks, Rude, Ross, Fehr; nays-none. The motion carried unanimously.

Audrey McMacken applied for open enrollment for her child from South Heart to Dickinson. Her child has not been attending DPS nor does she have any other children attending DPS. Administrative recommendation was to deny the request. Action was requested. Mr. Hanson moved to disapprove the open enrollment application request for a child of Audrey McMacken from South Heart to Dickinson as per the District's open enrollment policy. President Fehr noted there was no second and therefore the motion would not be considered. The discussion turned to the location of the McMacken property and other affected residents. Ms. Ross noted this particular person lives on the line; on one side of the road is Dickinson Public School District and the other side of the road is South Heart School District. Dr. McMacken is required to live within X amount of minutes from the hospital. Ms. Ross requested some latitude and inquired how many individuals might live on this same street as her. She added that she has a concern since this is one of the exceptions not only from a school district standpoint but also for the community. Dr. McMacken is a value to the community as a whole. President Fehr asked Mr. Reep to point out where the property was located. Mr. Reep briefly exited the meeting and brought back a map. Board members discussed the location of the McMacken property. President Fehr inquired if there were any other possible remedies. Superintendent Sullivan said the McMackens could request to have their property annexed into the school district. There was discussion regarding the effects of annexation on other areas that are in the South Heart School District. Mr. Hanson suggested clarifying the open enrollment policy and table the action on this open enrollment request. President Fehr noted closing open enrollment was an administrative recommendation that was affirmed by the Board. The administrative regulation has criteria for denying an open enrollment request. As per the application the Board needs to act on the request by April 1. Ms. Ross moved to table the action on the McMacken open enrollment request until further research is done and all other options are exhausted. Mrs. Ricks seconded the motion. Discussion: None. Assuming a roll call vote the motion carried unanimously. By consensus, the Board agreed to add this to the agenda for the Monday Special School Board meeting.

**Superintendent's Evaluation**– Board members completed a superintendent's evaluation form. Board President Fehr reviewed the evaluation with Superintendent Sullivan. President Fehr distributed a summary of the evaluation to the Board members. The summary will be posted on the website tomorrow under Supporting Documents. The rating on the evaluation is either satisfactory or unsatisfactory. All five board members participated and rated the superintendent satisfactory in all areas. President Fehr read portions of the evaluation and noted there is a lot the superintendent has done for the school district. Superintendent Sullivan thanked the board members for the evaluation and noted working with the people across the school district makes his job easier. President Fehr noted he is in charge of a district with over 583 employees. Action was requested. Mrs. Rude moved to

**Superintendent's Evaluation (cont.)**

acknowledge that the school board members did evaluate Superintendent Sullivan, as required by North Dakota Century Code, and that the evaluations were satisfactory. Mrs. Ricks seconded the motion. Discussion: none. A roll call vote was taken: yeas-Ross, Ricks, Hanson, Rude, Fehr; nays-none. The motion carried unanimously.

At 7:52 p.m. Mrs. Ricks exited the meeting.

**Extracurricular Cooperative Agreement with Trinity High School and Hope Christian Academy in Boys' and Girls' Swimming**

– Trinity High School and Hope Christian Academy requested a cooperative agreement in boys' and girls' swimming for the 2015-2016 school year. A copy of the agreement is posted under Supporting Documents on the web site. A Memorandum of Understanding has been drafted and will be reviewed by the Dickinson Dolphin Swim Club at its meeting on Tuesday, March 10. Mr. Guy Fridley, activities director, recommends approval of the extracurricular agreement. He said this is the next proper step in the process and was happy that Trinity and Hope Christian wanted to get on board with the swimming team. Action was requested. Ms. Ross moved to approve the extracurricular cooperative agreement with Trinity High School and Hope Christian Academy in boy's and girls' swimming for the 2015-2016 school year. Mrs. Rude seconded the motion. Discussion-none. A roll call vote was taken: yeas-Ross, Rude, Hanson, Fehr; nays-none; absent-Ricks. The motion carried unanimously.

**Early Resignation Incentive Applications**

–The deadline for certified staff is March 1 and for classified staff is April 1 for the early resignation incentive. The following individuals have submitted their resignation before the deadline to receive the early resignation incentive: Dean Arneson, school counselor at Lincoln Elementary (38 years of service); Carma Gerbig, paraprofessional at Hagen Junior High Academic Learning Center (19 years of service); Sharon A. Hansen, Early Childhood Center Director (37 years of service); MaryFrances Kocer, kindergarten instructor at Jefferson Elementary (one year of service); Bree Lefor, kindergarten instructor at Prairie Rose Elementary (one year of service); Rebecca Miller, district-wide English Language Learner instructor (seven years of service); Dirk Smutzler, science instructor at Hagen Junior High (27 years of service); and Belinda Thomas, head cook at Hagen Junior High School (32 years of service). Assistant Superintendent Reep has verified their eligibility. The administrative recommendation was to approve the early retirement incentive applications. Action was requested. President Fehr regretted to see these individuals leave the district but knew those retiring have well earned their retirement. Mrs. Rude moved to approve the early resignation incentive applications from Dean Arneson, school counselor at Lincoln Elementary; Carma Gerbig, paraprofessional at Hagen; Sharon A. Hansen, Early Childhood Center Director; MaryFrances Kocer, kindergarten instructor at Jefferson Elementary; Bree Lefor, kindergarten instructor at Prairie Rose; Rebecca Miller, district-wide English Language Learner instructor; Dirk Smutzler, science instructor at Hagen; and Belinda Thomas, head cook at Hagen; all with an effective date of June 5, 2015. Ms. Ross seconded the motion. President Fehr noted the combined years of service for these eight individuals is 162 years. She thanked all of them for their service to the students of Dickinson Public Schools and appreciated their dedication. Assuming a roll call vote the motion carried unanimously.

**School Board Regulation Revision, First Reading and Final Adoption**

– NDSBA has recommended revisions to Board regulation AAC-BR-Discrimination and Harassment Grievance Procedure. A copy of the revised regulation is posted on the website under Supporting Documents. Areas that have been removed are noted as a ~~strike-out~~. Areas on the regulation that are new

**School Board Regulation Revision, First Reading and Final Adoption (cont.)**

recommendations are noted in red text (this is new information to the regulation). Action was requested and a roll call vote was required on the motion. Mrs. Rude moved to adopt board regulation AAC-BR Discrimination and Harassment Grievance Procedure with one reading, as presented. Ms. Ross seconded the motion. Discussion: Mrs. Rude inquired regarding the Title IX designation being assigned to the Assistant Superintendent. Dr. Sullivan explained he cannot be the Title IX designee as it would be inappropriate for him to review his own evidence. It is the superintendent's responsibility to review the Title IX evidence if a discrimination or harassment grievance is filed. A roll call vote was taken: yeas-Hanson, Rude, Ross, Fehr; nays-none; absent-Ricks. The motion carried unanimously.

**School Board Policy Revisions, Second Reading and Final Adoption** – NDSBA has recommended revisions to board policy HBCC-Student Fundraising and policy AAC-Nondiscrimination and Anti-harassment Policy. Copies of the revisions to the policies are posted under Supporting Documents. The administrative recommendation was to revise the following policies: HBCC-Student Fundraising and AAC-Nondiscrimination and Anti-harassment Policy. Action was requested and a roll call vote was required on the motion. Mrs. Rude moved to complete the second reading of policy HBCC-Student Fundraising and policy AAC-Nondiscrimination and Anti-harassment Policy, as presented. Mr. Hanson seconded the motion. Discussion: Ms. Ross noted that under the general prohibition, the District prohibits discrimination against race, color, religion, sex, and gender identity. Ms. Ross said that sexual orientation needs to be added as a prohibition. President Fehr asked where the text came for the policy and if it was from law. Dr. Sullivan responded the language was from the recommendation of the North Dakota School Boards Association (NDSBA). The superintendent asked NDSBA to clarify the rationale and the response was the guidance came from the Department of Education. Ms. Ross explained the policy is not discriminating against the sex of an individual but will discriminate against sexual orientation. After further discussion it was suggested to table policy AAC. A roll call vote was taken: yeas-none; nays-Rude, Hanson, Ross, Fehr; absent-Ricks. The motion failed and did not pass unanimously. Mrs. Rude moved to complete the second reading of board policy HBCC-Student Fundraising and to table policy AAC-Nondiscrimination and Anti-Harassment policy until further state legislative action. Ms. Ross seconded the motion. Discussion: None. A roll call vote was taken: yeas-Ross, Rude, Hanson, Fehr; nays-none; absent-Ricks. The motion carried unanimously.

**Other** – Mrs. Rude noted she attended the performance a couple weeks ago of the Wizard of Oz and was very impressed. President Fehr noted there was a DHS Choir Pop Concert and it would be a fun concert to attend. Superintendent Sullivan introduced Mr. Burton Lewton in the audience. Mr. Lewton is the Dickinson transportation supervisor for Harlow's. Mr. Lewton will be attending Board meetings on a regular basis. Board members welcomed Mr. Lewton.

**Adjournment** – At 8:03 p.m., Ms. Ross moved to adjourn. Mr. Hanson seconded the motion. Assuming a roll call vote the motion carried unanimously. The meeting adjourned at 8:03 p.m.

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Kris Fehr, Board President

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Vince Reep, Business Manager

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Twila Petersen, Secretary