

Law Seminar - October 23, 2014 (**FIELD NOTES ONLY IN DRAFT COPY**)

Submitted by Vince Reep

US Asst. Attorney Claire Hochhalter - work with FBI, DEA, and others. Offices in Bismarck and Fargo.

- Human traffic issues, fraud, drug cartels, etc.
- No parole in federal prison
- ND highest prices for drugs. \$10 in Salt Lake equals \$100 in ND
- White collar fraud. People outside ND bringing their efforts here.
- BCI Background checks are slow because of no growth in attorney general office.

DOJ/ED Guidance on Racial Discrimination in Student Discipline - Sonja Trainor NSBA

- Equity guidance OCR is ramping up racial discrimination - be careful when expulsions are given out.
- Disparate impact test ... See pages 8-10
- Make that the CRDC that Ginger submits is done correctly.
- DOE press release - strong equity in resources spotlight is coming such as facilities, tech, materials, funding.
- Proactive self-asses and monitor Title VI - race
- Student data collection concerns ... 98 bills in 36 states. Appoint CPO (chief privacy off)
- 28 bills became state law
- Vendor pledge - companies pledge not use student data for any reason
- FERPA considerations may occur because of data collection
- COPPA -children's online privacy protection act
- Consider hiring a CPO? Really?..

P-card Program - OMB views on using these cards

- 38 School Districts use them. DPS has considered in the past. Perhaps we need to revisit whether or not to participate because of the rebate factor.
- to enroll contact Renae Heller at 328-4936 rheller@nd.gov
- JPMorgan is the bank
- Purchasing and Contracting
- 10 Days notice in the Press for items at \$25k or more
- Bid furniture such as new classrooms at PRE
- Public improvements over \$100K
- Fuel and used vehicles are exempt

Board Communication with the Public and Responding to Complaints

- 8 scenarios interactive text in responses. See handout (pink) for scenarios

Ten Frequently Asked Questions

- can the board discuss a personnel matter in executive session? No
- when do committee meetings need to be noticed? NDCC 44-04-17.1(6)

- should a letter of reprimand be removed? No
- who can attend PT conference or access student records? Parents or legal guardians unless the courts say they cannot. Step parents are included.
- what should be included in a teaching contract? See handout and NDSBA contract sample
- we allowed a student to open enroll, now what? NDCC 15.1-31 and 15.1-29
- can we offer a teacher a one year contract? No
- is the board required to take a roll call vote? NDCC 44-04-21. Yes for any non-procedural vote. WE NEED TO CHECK INTO THIS ONE
- when can a district certified elections? 6 days after
- should we offer contracts to our ancillary staff? If so you are locked in

Case Law app Date - DEA v DPS; see handout for other items

FMLA and ADA

- reasons why FMLA was enacted
- blue handout has great detail to add to our extensive HR file on this issue
- shared some case law on FMLA
- ADA 1990 prohibits discrimination against qualified individuals with a disability
- employment, reasonable accommodations, major life activities

What Every School Know About the First Amendment

- 1st amendment consideration has changed because of internet activities
- Pickering v. Bd. of Ed. 1968 case set the bar (teacher wrote a letter to the editor)
- Connick v. Myers 1982 district attorney was transferred and then distributed a questionnaire at the office
- Connick won
- Garcetti v. Ceballos 2006
- Lane v. Franks July 2014
- Internet cases - several cases reviewed. Refer to white handout for details

Sent from my iPad