

January 13, 2015

From: Douglas W. Sullivan, Superintendent

To: Affected Teachers

Re: Curriculum Night Grievance Step Two

A grievance was filed regarding attendance at curriculum night that was conducted on December 3, 2014. Provided below is background information and the decision of the superintendent regarding the grievance.

PROCEDURAL STEPS

- The grievance was filed with the building principal on: Jefferson December 3; Lincoln December 4; Prairie Rose Elementary December 3; Roosevelt December 9 and Heart River December 5.
- The building principal provided a response to the grievance on December 12, 2014.
- The written grievance was presented to the superintendent on: Roosevelt December 18; Prairie Rose December 18; Lincoln December 18; Jefferson December 19; Heart River December 23.
- The grievances were submitted to the superintendent in a timely manner.
- The superintendent met with various teachers from each building on January 6, 7, 8, 9 and 12 to hear the grievance. The grievances have proposed various alternatives to resolve the grievances. The reasons for the variations in the requested resolution have been explained.
- Pursuant to the negotiated agreement the superintendent has 15 working days within which to provide a written decision regarding the grievance.
- The fifteenth work day after December 18 is January 13; the fifteenth work day after December 19 is January 14 and the fifteenth work day after December 23 is January 16.

BACKGROUND

Article V (B) (1) of the 2014-2015 Professional Negotiated Agreement between the Dickinson Public Schools and the Dickinson Education Association (DEA) states the following, "The school day for teachers in the DPS will **normally** be from 8:00 a.m. to 3:45 p.m.; **however, variations to this time schedule will be made by the building principal to meet all necessary contingencies.** Also, it is understood that all teachers will attend staff meetings in their building when called."

On April 24, 2013 the school board and DEA negotiators met to discuss the terms of the negotiated agreement. Time required for curriculum night was a topic of discussion. The minutes of this negotiations meeting indicate there was consensus regarding how to address time required for curriculum night. These minutes provide the following guidance for the parties about how to address the time required for curriculum night.

- Mrs. Schubert said that it looks like the solution would be flex time.
- Mr. Fahy noted that it is an acceptable solution considering the teachers feel there could be another one (requirement) in the future.
- Mr. Gray asked for clarification, what he was hearing is that flex time sounds like the best solution. Mrs. Seifert inquired how the District was going to do that. Ms. Ross said that additional time (time outside the work schedule) would be flexed working with the building administrator. Mr. Fahy said it would be the same at the high school as well. Chair Fehr noted that it appeared the team had a solution with a tentative agreement.

The minutes of this meeting were agreed to by both the Dickinson School Board and the DEA.

In the DEA's Reply Brief in Support of Writ Of Mandamus dated September 23, 2013 Mr. Geiermann, attorney for the DEA, argued, "For all of the reasons stated herein, DEA requests that its Petition for Writ of Mandamus be granted and that the Court issue a mandamus to the District requiring it to offer to the DEA a negotiated agreement for the 2013-14 school year **based upon the negotiations which took place.**"

On October 24, 2013 the Southwest District Court of North Dakota issued an Order of Mandamus. The Dickinson Public Schools was ordered to offer to the DEA the one-year Negotiated Agreement for the 2013-2014 school year as per the request and arguments of the DEA. As per the request of the DEA and court order the school board approved the Negotiated Agreement for the 2013-2014 school year.

DECISION

The minutes of the April 24, 2013 bargaining meeting between the school board and DEA clearly indicate the parties discussed curriculum night. These minutes also clearly indicate that flex time for the time spent at curriculum night was the agreed upon resolution. The principals at all five K-5 buildings have offered the affected employees flex time as required by the negotiations between the school board and DEA.

Therefore, I find that the terms of the Negotiated Agreement have not been violated. Curriculum night was discussed by the Dickinson School Board and the DEA and flex time was the agreed upon resolution. The school district has complied with the Order of Mandamus as requested by the DEA and ordered by the Southwest District Court of North Dakota. The grievance is denied.

During each of the conferences it was expressed that a block of time would be preferred as opposed to the three thirty minute flex time tickets. During one of these conferences I stated that providing a 90 minute block of time during a student contact day could be an option. I have identified that I was mistaken and that is not an option that can be provided. To accommodate individual preferences teachers who received the three tickets will have the following alternatives:

- A teacher may utilize the thirty minute flex time tickets in three individual 30 minute blocks or;
- A block of time will be provided on the teacher work day only and teachers may leave that day 90 minutes early (currently scheduled for June 4). If the date of the teacher work day is changed due to the necessity to reschedule a school day or days, the date when the 90 minute block of time can be utilized will change correspondingly.

In an effort to ease some of the frustrations surrounding curriculum night the administration remains prepared to discuss curriculum night with teachers from the affected buildings. If you have any questions, please do not hesitate to contact me.