
Law Seminar - October 26, 2016 (FIELD NOTES ONLY IN DRAFT COPY)

Immigration and Education: New Citizens and ELL - Erin Gilsbach

OCR is very watchful with ELL.
Undocumented students. Not an issue for DPS
Texas law and problems - tuition for undocumented students. The courts ruled against this practice.
Lawful Non-Citizens - F1 and J1 people. Asylees and other groups.
F1 - foreign exchange students
J1 - exchange visitors full-time study. No tuition or other charges
B1 - travel or tourism travel for students
ELL - Lancaster PA issue.
ELL programs receive federal funding. States must have an exit process and demonstrate proficiency.
Schools may not require a US birth certificate or require a social security #
ICE investigations don't have to happen in schools, but they may.
Homeless students - more burdens imposed upon the district

Hot Button and Labor Issues - Troy Siebel NDLC

Two divisions - wage and hour and human rights
Overtime - new federal regs begin Dec. 1.
Exempt - admin. Exec. Prof. Highly Compensated duties test
Admin - related to management policies or general business operations
They created the policies.
Executive supervise two or more
Professional - any BA probably won't fit. Through study or training
Highly comp - 100,000 or more
DPS will get a copy of the new regs and make sure we are in line
240 hours max of comp time. DPS never gets to this amount.
Same Sex Marriage - SB 2279 was defeated in ND legis.
Criminal Background Checks - DPS doesn't have any issues with our system. We will revisit our rubric for this process.
Retaliation - highest employment discrimination issue
It has to be something that is a protected activity such as race, color, etc

Laying the Groundwork for Non-Renewal or a Discharge - Rachel Bruner Kaufman & Meredith Vukelic

Non-renewal based upon the evaluation or RI. Ability or competence
Discharge - many different categories

March 1 - April 15 is the window for contemplated non-renewal
Hearings have to be done before April 21
Open records - includes almost everything, electronic and written
FERPA does apply to any records
Investigating a complaint records are not open until the investigation is complete
Personal files - see NDCC 15.1-17 include any of the pieces of information to be in
the file including evaluation, letters of reprimand, etc.
Suggest to use the sample letter of reprimand. - see yellow sample
Notify teachers if something is going into their file
Evaluations - need to be detailed. If there are areas of concern you need to
comment on low areas. If both numerical and written data.
Performance of Improvement Plan - these should be more short term and not
continue on for years and not just for discharge.

Teachers and Administrators Licenses, endorsements, and credentials - Mari Fridgen

A basic review of what ESPB does. No real news

Understanding IDEA - Robin Tschider

IDEA, ADA, and Section 504
A brief refresher about the differences and the similarities of all three areas.
More requirements under IDEA (special Ed) than 504 (gen ed)
Conduct a self-evaluation of school facilities
Reviewed the 13 categories of IDEA
504 - many more categories
10-12 % of students IDEA qualified

Juvenile Court Services - Gullickson and Hjellming

Chapter 27-20 JCA
juvenile counseling, restitution, probation, placement
Case study activity conducted - wow things have changed or AZ is daft!
No bail, no jury, no grand jury
Delinquent, unruly, deprived - see handout for specific details
Child referred - law, school, parent or guardian, social services
Deprivation has increased in a large amount recently
In SW District - alcohol down and drugs up
Outline the types of proceedings - several options
7-17 age



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Preparing for the Legislative Session - Anita Thomas

2017 - large gap between spending and revenue
\$2 billion lower. Prices in oil and commodities
\$164 million to continue at 3,000 in new students
\$114 million to continue at newest new student growth estimates
Grants will get a lot of attention
Legislators will need to prioritize needs
Invite legislators to visit with us
Senate Ed and House Ed are key committees for us to talk to in additions to
Appropriations!