

Unapproved School Board Meeting Minutes

Dickinson Public Schools
Regular Meeting

April 13, 2015; 5:00 p.m.
Central Office Board Room

The Dickinson Public School Board held a regular meeting on April 13, 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, Mrs. Susan Cook, Mr. Guy Fridley, Mr. Ron Dockter, Mrs. Dorothy Martinson, Mrs. Melanie Kathrein and Ms. Tammy Praus. Others present were: David Phillips, Shary Smith, Lyle Smith, Brenda Loney, Andrew Pringle, Darin Knapp, Naomi Thorson, Jane Cornell, Kim Blain, and Abby Kessler from the Dickinson Press.

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

Public Participation – There were no requests for public participation.

Additional Agenda Items/Removal of Items from Consent Agenda – There were no additions or deletions to the agenda.

Consent Agenda - Mrs. Rude moved to approve the agenda including the consent agenda consisting of the minutes from the March 3 board workshop, March 9 regular board meeting, the March 16 special board meeting; the bills for April 2015; the financial reports for April 2015; the pledged assets report for April 2015; the personnel reports; the student/staff recognitions; and the RACTC report; as presented. Ms. Ross seconded the motion. Assuming a roll call vote the motion carried unanimously.

Superintendent's Report – Superintendent Sullivan reported on the following topics.

Introduction - Superintendent Sullivan welcomed and introduced Darin Knapp, General Manager, and Andrew Pringle, Senior Project Manager with Mortenson Builders. They are in Dickinson attending discussion meetings regarding the new middle school project.

Attendance Areas - With the completion of the new middle school in 2017 and the restructuring of Berg Elementary from 6th grade to K-5 elementary there will be some attendance area changes. Superintendent Sullivan noted moving forward with attendance areas will take a significant amount of time.

Name the New Middle School - Superintendent Sullivan was pleased with the responses received when gathering names for what would eventually be called Prairie Rose Elementary. At that time the District-wide PAC Committee actively participated in proposing a name to the school board by reviewing the names submitted. Dr. Sullivan would like the District-wide PAC to be involved again in assisting with reviewing names proposed for the new middle school and making a recommendation to the Board. Board members concurred with this recommendation.

Budget Committee - Assistant Superintendent Reep addressed the Board regarding a recent Budget Committee meeting. Some topics discussed by the Budget Committee were focused on needs for the 2015-2016 school year. The committee recommended an additional district-wide psychologist and a part-time activity supervisor for Hagen Junior High. Because of class sizes at Dickinson High School, the committee also recommended hiring another mathematics teacher and family/consumer science teacher. The district has hired another physical education teacher, which will make three full-time physical education teachers at the high school. As seen on the consent agenda, several positions have been filled. Interviews for 6th grade teachers have been scheduled. Mr. Reep also reported the district was approached about the purchase of 20 acres behind the new middle school land. Administration looked at the NDSU land and also Meyer Group land. There is property also available adjacent to the Bus Shop. The Budget Committee decided at this time not to pursue the land behind the new middle school. Mr. Hanson commented the committee was more interested in two sites for potential elementary schools.

Superintendent's Report (cont.)

Ms. Ross added the costs vs. benefits of looking at other options were needed due to the asking price of \$45,000/acre for the additional land on the NDSU properties.

Business Topics

Attorney Consultation – The next item on the agenda was Attorney Consultation regarding pending civil litigation. Mr. Hanson moved, per North Dakota Century Code NDCC 44-04-19.1 (2), to close the meeting and go into executive session for the purpose of attorney consultation. Mrs. Ricks seconded the motion. A roll call vote was taken: ayes-Ricks, Rude, Ross, Hanson, Fehr; nays-none. The motion carried unanimously.

President Fehr stated the executive session would be recorded and all members of the governing body were reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. President Fehr noted that board policy BCAD-Executive Session allows certain individuals to be in attendance at the closed meeting. Those individuals were the School Board members, Attorney David Phillips, Superintendent Douglas Sullivan, Assistant Superintendent Vince Reep, and Recording Secretary Kim Blain. President Fehr anticipated the meeting to adjourn from executive session and reconvene the open portion of the meeting at approximately 5:45 p.m. At 5:15 p.m. the meeting convened in executive session. Those in attendance during the executive session were Board President Fehr, Board Vice-president Hanson, Board Member Ricks, Board Member Ross, Board Member Rude, Attorney Phillips, Superintendent Sullivan, Assistant Superintendent Reep, and Recorder Blain.

The executive session was adjourned at 5:43 p.m. The public was invited to return to the meeting and the meeting was back in open session.

Dickinson Education Association's Request to Rescind Board Actions taken on March 3, 2015 - Mrs.

Ricks moved to reconsider the motion passed on March 3, 2015, Agenda Item III. Petition for Recognition, Dickinson Education Association (DEA). Mrs. Rude seconded the motion. Discussion: Mr. Hanson inquired if he could vote on the motion since he was not at the last meeting. President Fehr stated according to Robert's Rules of Order to reconsider a motion someone who voted on the prevailing side of that motion needs to bring it back to reconsider, but all members can vote once it's back on the table, therefore Mr. Hanson was entitled to vote since it was back on the table. Mrs. Rude inquired if there needed to be discussion why the board was reconsidering. President Fehr clarified that the motion must be made, seconded and passed before it can be discussed. A roll call vote was taken: ayes-Ricks, Hanson, Rude, Ross, Fehr; nays-none. The motion carried unanimously.

President Fehr asked Attorney David Phillips to explain why the Board was reconsidering the motions of the March 3 meeting. Mr. Phillips noted the letter from Mr. Michael Geiermann, legal counsel for the Dickinson Education Association, included a number of legal arguments why he felt the School Board's two motions that were passed on March 3 were improper. Attorney Phillips summarized by saying that the DEA has, through its counsel, specifically asked that the board rescind those two motions. President Fehr also noted that the petition that was presented to the Board was the DEA's petition and DEA may say which petition it wants the School Board to consider. President Fehr said that by stepping through the next series of discussions it will make things more clear.

DEAs Request to Rescind Board Actions taken on March 3, 2015 (cont.)

In a letter dated April 2, 2015, from Michael Geiermann, legal counsel for the Dickinson Education Association, the Association requested that the Dickinson School Board rescind the motion passed by the Board on March 3, 2015, whereby the Board requested to negotiate with the Dickinson Education Association as the representative organization pursuant to the Petition for Recognition received on September 16, 2014, and adopted by the School Board on October 8, 2014. The Dickinson Education Association has made it clear that it believes that the Petition for Recognition received on September 16, 2014, and adopted by the School Board on October 8, 2014 is no longer operative and the Dickinson Education Association will not negotiate pursuant to that Petition for Recognition. In light of the Dickinson Education Association's position in this regard, the Board has no choice but to rescind its prior motion. Mr. Hanson moved to rescind the motion passed on March 3, 2015, whereby the Board requested to negotiate with the Dickinson Education Association as the representative organization pursuant to the Petition for Recognition received on September 16, 2014, and adopted by the School Board on October 8, 2014. Furthermore, the Board no longer recognizes as operative the Petition for Recognition received on September 16, 2014, and adopted by the School Board on October 8, 2014. Mrs. Ricks seconded the motion. A roll call vote was taken: ayes-Rude, Ross, Hanson, Ricks, Fehr; nays-none. The motion carried unanimously.

In a letter dated April 2, 2015, from Michael Geiermann, legal counsel for the Dickinson Education Association, the Association requested that the Dickinson School Board rescind the motion passed by the Board on March 3, 2015, whereby the Board rejected the Petition for Recognition received from the Dickinson Education Association on February 4, 2015. On March 3, 2015, the Board rejected the Petition for Recognition received on February 4, 2015, in part, because it had agreed to continue to recognize the Dickinson Education Association as the representative organization for teacher contract negotiations pursuant to the Petition for Recognition received on September 16, 2014. The Board has now rescinded its prior motion to continue to recognize the Dickinson Education Association as the representative organization for teacher contract negotiations pursuant to the Petition for Recognition received on September 16, 2014. To clarify, the Petition for Recognition received on February 4, 2015, included two Petitions: a Petition for Recognition of an Appropriate Negotiating Unit and a Petition for Recognition of a Representative Organization. The Board should now reconsider both Petitions for Recognition received on February 4, 2015. Ms. Ross moved that the Board reconsider and affirm its rejection of the Petition for Recognition of an Appropriate Negotiating Unit received on February 4, 2015. The reasons to again reject the Petition for Recognition of an Appropriate Negotiating Unit received on February 4, 2015, were: 1.) The Petition does not comply with N.D.C.C. § 15.1-16-10; 2.) The Petition does not comply with School Board Policy DLA-Recognition of Negotiating Units because the teacher's negotiating unit shall only comprise of Dickinson Public School employees licensed to teach by the Education Standards and Practices Board or approved to teach by the Education Standards and Practices Board and employed primarily as classroom teachers, librarians, and counselors as defined by NDCC 15.1-16-01; and, 3.) The Petition does not comply with School Board Policy DLA-Recognition of Negotiating Units because the teacher negotiating unit must use the Board's recognition forms, which are available in the Central Administration Office. In addition, the School Board also rejects the Petition for Recognition of the Representative Organization received on February 4, 2015, because the School Board rejects the proposed negotiating unit. Mr. Hanson seconded the motion. Discussion: Mrs. Rude commented that it is important for the public to understand the District has policies in place to protect everyone: the Board, the teachers, administrators and the public. President Fehr stated that the Board cannot allow selective application or enforcement of its policies and the policies do govern board members, students, parents, teachers, other employees, and members of the public. The Board expects everyone to follow board policies, no matter what it is. She stated that the School Board has rejected numerous items and requests that did not follow

DEAs Request to Rescind Board Actions taken on March 3, 2015 (cont.)

School Board policy and the School Board cannot be selective. Ms. Ross asked if School Board policy was vetted by the North Dakota School Boards Association and meets all the requirements of the ND Century Code. President Fehr said that was correct. Mrs. Ricks expressed disappointment of being unable to move forward with negotiations at this time. She also expressed disappointment with the actions of the DEA for choosing to use the dues the teachers pay to pursue litigation and the School Board may be forced to use taxpayer money to respond to litigation. Mr. Hanson noted in regards to the official petition form that it is in compliance with North Dakota Century Code. President Fehr stated the official form is for any group who wishes to negotiate for any particular group of people in our school system, whether it is administrators or teachers, that is not confusing and that follows Century Code as far as who can represent and negotiating for. It was also intended as a guideline for the Board. She commented that the petition submitted by the DEA is vague and does not meet ND Century Code. A roll call vote was taken: ayes-Hanson, Rude, Ricks, Ross, Fehr; nays-none. The motion carried unanimously.

President Fehr said the School Board values its relationship with the teachers of Dickinson Public Schools and has always been and continues to be ready, willing and able to come to the negotiating table in good faith. President Fehr stated that she has been making efforts to work with either the DEA negotiators or the DEA leadership and tried to resolve some of the issues before it came to this type of vote or this level. The Board does not desire litigation. She wants the Board to know she has been active on this issue. She handed out a copy of the most recent email exchanges she has had with DEA representatives.

Mrs. Ricks moved that the School Board encourage and invite the Dickinson Education Association to resubmit a Petition for Recognition of an Appropriate Negotiating Unit and a Petition for Recognition of a Representative Organization, which comply with the applicable provisions of the North Dakota Century Code and School Board Policy DLA-Recognition of Negotiating Units. Ms. Ross seconded the motion. Discussion: Mrs. Rude stated the Board wants a relationship with the teachers and the Board is ready and willing and would like to proceed with negotiations. A roll call vote was taken: ayes-Ross, Hanson, Ricks, Rude, Fehr; nays-none. The motion carried unanimously.

President Fehr explained the actions of the Board on March 3. The Board continued to recognize the September 24, 2014, petition because the Board wanted to move forward with negotiations in a timely manner, it would just save time. The Board rejected the February 2015 petition because it didn't comply with ND Century Code and school board policy. Board Policy DLA was put in place to clarify for the board, teachers, administrators, and the public the appropriate negotiating units under North Dakota law. President Fehr added that policy DLA and the form is not designed to discourage negotiations, it is not designed to make things more difficult. It is just a one-paragraph form and includes the same information required by the North Dakota Century Code. The form simply states that "Pursuant to section 15.1-16-10 of the North Dakota Century Code, as amended, the (Name of Organization) hereby requests that the School Board recognize as an appropriate negotiating unit all classroom teachers, librarians and counselors employed by the School Board as classroom teachers as defined by the NDCC 15.1-16-01." The language complies with the requirements set forth in the Century Code. The February 14, 2015, petition submitted by the DEA does not comply. It is important to comply so that all are on the same page going into contract negotiations. President Fehr asked Attorney Phillips to address a concern of hers regarding the time frame for the petition submission. Attorney Phillips explained that the Negotiated Agreement for 2014-2015 subsection B states, "This agreement will be in effect from July 1, 2014 until June 30, 2015 at which time this agreement shall be automatically renewed unless either party gives notice to the other party, not less than sixty (60) days prior to the anniversary date of its desire to re-open

DEAs Request to Rescind Board Actions taken on March 3, 2015 (cont.)

negotiations as to certain provisions of the agreement or additions to this agreement.” Attorney Phillips clarified that a representative organization has 60 days before the anniversary date to submit a legal petition. That would put May 1, 2015 as a deadline to submit a petition to re-negotiate. President Fehr noted the reason for her concern is the teachers could lose their ability to negotiate the contract for the coming year, according to the time frame in the negotiated agreement. She said it would be her understanding that the contract will simply continue. Attorney Phillips agreed it’s automatically renewed. Mrs. Rude asked if the DEA takes the School District to court, would it stall the time frame for the negotiations. Attorney Phillips explained that unless a new petition is submitted by May 1, 2015, the current contract will continue and a new contract cannot be negotiated.

Prairie Rose Elementary Expansion Update - Assistant Superintendent Reep updated the Board members on the progress of the expansion of the new wing on Prairie Rose Elementary. Installation of window frames and glass is underway. The extension of cement and sidewalks is progressing, there was a change order because the slope was more than anticipated. The civil engineer added a swale valley for drainage/watershed on both the east and west sides. The heat pumps are being installed and the interior is framed, sheetrock should be started in two weeks and everything should be back on schedule. Under Supporting Documents is a copy of the March 25 architects field report. Mrs. Rude inquired as to the impact on students. Ms. Libis addressed the Board that the contractors have been sensitive to this issue and have complied by putting off projects that are noisy or distracting. Ms. Ross commented on the geo-thermal well that was damaged. This was repaired and is being monitored. This agenda item was informational only. No action was requested.

Middle School Update – Superintendent Sullivan and Assistant Superintendent Reep addressed the Board providing an update on the progress of the transition from a junior high school/6th grade elementary school to a middle school. Superintendent Sullivan, Assistant Superintendent Reep, and Dr. Lewton attended meetings with the DLR Group. Out of these meetings, a calendar was scripted out according to the July 2017 deadline. Also out of these meetings, focus groups within the district were created. Mr. Reep informed the Board the District still has no deed to the land for the project and there has not been a check written either as the District is waiting for the abstract for the title on the deed. The City Planning and Zoning meeting is Wednesday, April 15 which should address the zoning for that area. Mortenson General Manager Darin Knapp addressed the Board regarding the process of receiving bids. Three bid packs will be released, one for site excavation at the end of May, the second for the shell/structure and precast at the end of January 2016, and the third for the interiors in December 2016. Mr. Hanson inquired if there was any concern regarding excavation contractors being booked for the summer. Mr. Knapp is confident they will receive competitive bids on the preliminary quotes. President Fehr requested Superintendent Sullivan explain the purpose of the Focus Groups. Superintendent Sullivan said the Focus Groups consisted of individuals within the District and some outside who have an interest in the purpose and design of the new middle school. This agenda item was informational only. No action was requested.

Budget Development and Input Committee Report –Superintendent Sullivan commented that all topics of discussion were included in his superintendent’s report. No additional items were to be discussed.

Major Summer Building Projects - Assistant Superintendent Reep reported on the major building projects for the summer. A preliminary list is available on the website under Supporting Documents. An extensive list of projects planned includes a bus lane at Heart River Elementary while the City is redoing a street in that area. Other items considered are windows at Heart River, re-surfacing the driveway in the vocational area at Dickinson High School and reroofing some pods at DHS. The cost of these high to

Major Summer Building Projects (cont.)

medium cost projects is approximately \$500,000. Ms. Ross inquired about the Facility Study/Deferred Maintenance Binder and if these projects were the ones suggested by the DLR Group. Mr. Reep responded these were projects the District recognized. President Fehr inquired if administrators were still looking at the projects in the Facility Study/Deferred Maintenance Binder. Assistant Superintendent Reep said most of the projects in the Facility Study were deferred due to the middle school project; however, he and Superintendent Sullivan have gone through the binder and have highlighted the most important ones. These projects came from requests from building principals, building and grounds head maintenance and are considered by order of safety needs. This agenda item was informational only. No action was required.

Report on National School Board Association Convention – Board Members Kris Fehr, Sarah Ricks, Tanya Rude, and Leslie Ross along with Superintendent Sullivan updated the Board on the National School Board Association Convention they recently attended in Nashville. Ms. Ross would like to thank Dickinson Public Schools for the opportunity to attend the convention. Even though it was a whirlwind of activity, she enjoyed the venue, even though the large size of the convention center made it difficult to navigate. The highlight of the trip for all who attended was watching the Dickinson High School students compete in the DLR Challenge. DHS students were polite and gracious and great ambassadors for the District. Mrs. Rude agreed with Ms. Ross and she would like to see the District provide more project based learning in the classrooms. Mrs. Ricks was grateful for the opportunity to attend. She is proud of the District as she heard many negative comments from other regions of the country. She came away with new ideas and thought the classes were well done. Superintendent Sullivan commented the highlight of the Convention was the pleasant and enjoyable day he spent with the DHS students. He attended a Safety & Security class during the pre-convention session and he shared with the Cabinet that they need to stress the policies regarding the safety and security of the students in their schools. President Fehr felt that a lot of the sessions were similar in content just with different speakers. She said DHS students were amazing when compared with the other students, who came in from Champagne, IL and Baton Rouge, LA. She found the convention center confusing. This agenda item was informational only. No action was requested.

Memorandum of Understanding in Boys' and Girls' Swimming – The Dickinson Dolphins Swim Team has requested an agreement with the Dickinson Public Schools for boys' and girls' swimming. Mr. Guy Fridley, District-wide activities director, has corresponded with Dr. Kris Ringwall, president of the Dolphin Swim Team and Dr. Ringwall has reviewed and signed the Memorandum of Understanding which is posted on the website under Supporting Documents. Dickinson Dolphin Swim Team requested to enter into a one-year agreement. Action was requested. Ms. Ross moved to approve the Memorandum of Understanding between the Dickinson Public Schools and Dickinson Dolphin Swim Team for boys' and girls' swimming for the 2015-2016 school year, as presented. Mr. Hanson seconded the motion. Assuming a roll call vote the motion carried unanimously. Mr. Fridley said he will be working on finding coaches.

Administrative Bargaining Recognition Petition – The administrators have requested to meet formally with Superintendent Sullivan and the Administrative Bargaining Board members to engage in contract discussions. Available on the website under Supporting Documents is a copy of the Administrative Bargaining Recognition Petition. Mrs. Ricks moved that, pursuant to the provisions of Section 15.1-16-10 of the North Dakota Century Code, the school board of the Dickinson Public School District #1 recognize all certified administrators employed as administrators in the Dickinson School District as an appropriate

Administrative Bargaining Recognition Petition (cont.)

negotiation unit for the purpose of negotiations. Mr. Hanson seconded the motion. Assuming a roll call vote the motion carried unanimously.

Administrative Bargaining Recognition of Representative Organization - The administrators requested to recognize the Dickinson Administrative Council as the exclusive representative for negotiations. Action was requested. Mr. Hanson moved that, pursuant to the provisions of Section 15.1-16-11 of the North Dakota Century Code, the school board of Dickinson Public School District #1 recognizes the Dickinson Administrative Council as the exclusive representative of the appropriate negotiation unit for the purpose of negotiations. Mrs. Rude seconded the motion. Assuming a roll call vote the motion carried unanimously. President Fehr asked Superintendent Sullivan to set up a meeting with the Administrative Council for negotiations.

Early Resignation Incentive Notification – Policy DKBC Early Resignation Notification was approved by the Board in 2007 and 2011. Classified staff have a deadline of April 1 to submit their resignation notification. Mrs. Debra Rising, administrative assistant behavioral specials at Hagen Junior High has submitted her early resignation incentive notification before the deadline. Assistant Superintendent Reep has verified her eligibility. Mrs. Rising has 34 years of service. The combined total years of service for all resignations to date are 250 years with an average of 19 years of service. The administrative recommendation was to approve her early resignation incentive. Action was requested. Ms. Ross moved to approve the early resignation incentive for Debra Rising, administrative assistant at Hagen Junior High with an effective date of June 5, 2015. Mr. Hanson seconded the motion. Discussion: President Fehr thanked Mrs. Rising for her 34 years of service and her dedication to the students of Dickinson Public Schools first as a teacher and, after her retirement, as a paraprofessional. Assuming a roll call vote the motion carried unanimously.

Other -President Fehr reminded board members to attend the events posted under Announcements.

Adjournment – At 6:39 p.m. Ms. Ross moved to adjourn. Mrs. Ricks seconded the motion. The motion carried unanimously. The meeting adjourned at 6:39 p.m.

Kris Fehr, Board President

Vince Reep, Business Manager

Kim Blain, Acting Secretary