

## Unapproved School Board Meeting Minutes

Dickinson Public Schools  
Special Meeting

May 23, 2016; 4:30 p.m.  
Board Room, Central Office

The Dickinson Public School Board held a special meeting on May 23, 2016, at the Central Administration Office. Board members present were: President Sarah Ricks, Vice President Kris Fehr, Mrs. Leslie Ross, Mrs. Tanya Rude, and Mr. Brent Seaks. Administrators present were Superintendent Douglas Sullivan and Assistant Superintendent Vince Reep. Others present were: Attorney David Phillips (via conference call), Ms. Lee Mehrer, Ms. JoAnn Coates, Ms. Ellen Getz, Ms. Merrill Fahlstrom, Ms. Dana Price, Ms. Sherry Loris, Ms. Diana Stroud, Ms. Rhonda Tormaschy, Ms. Trisha Getz, Ms. Kristi Meidinger, Ms Yvette Schubert, Ms. Dorothy Martinson, Ms. Jill Nelson-Wetzstein, Mr. Lyle Smith, Ms. Shary Smith, Ms. Jane Cornell, Ms. Linda Greenwood, Ms. Twila Petersen, and Mr. Andrew Haffner from the Dickinson Press.

**Call to Order** - Board President Ricks called the meeting to order at 4:37 p.m.

**Public Participation** – There were no requests for public participation.

**Speech Language Pathologist Grievances** – At the April School Board meeting, Speech Language Pathologists addressed the Board regarding grievances they had submitted to the Board. Board members requested additional information which was received on Monday, May 2. Since May 2, work has continued in an effort to address the grievances. President Ricks said she has reviewed the material that has been submitted. Most submissions were daily schedules over the course of the year. The speech language pathologists provided extended amounts of information, including their calendars and Tienet logs. Unfortunately the Tienet system logs out after a certain amount of time so it was difficult for President Ricks to get the whole picture. The data that was received is what has been utilized. President Ricks said there were a few things that were brought to light. She explained to the board members what has been gathered so far so that the Board could move forward. The grievances asked for 75 additional days concurrent with the contract. The 75 days is based on the three vacant positions being advertised for speech language pathologists (SLPs). President Ricks stated there are issues with what the grievances asked for because it would represent a change to the negotiated agreement. It was her understanding that the Board cannot unilaterally change the negotiated agreement. The District currently does not have a policy or procedure in place that governs what is the trigger point to advertise for a position so it is difficult to distinguish how many positions are needed. It is not the same as looking at a high school teaching position. As a Board, from a grievance standpoint, it can only deal with the language in the negotiated agreement. Thinking in that respect, the data has been reviewed to see if preparation time was missed during the year. It is difficult to be able to find how much preparation time was missed during the year. It is not perfect and President Ricks had to make a judgment call. What she did come up with was five days to 17.5 days overall of missed preparation time. She said another issue was due to the speech language pathologists making their own schedule which would mean that all time could be considered unassigned. There are a lot of moving parts in trying to decide how much was missed. President Ricks said the bigger issue is the lack of policy and procedure regarding speech language pathologists. For the classroom teacher the classroom size has a regulation. That is not the case with the speech language pathologists; caseloads are not equal. There is required paperwork that follows the student. With that in mind President Ricks researched the national averages and nationally the mean is 50 and the mode is 60. The current caseload carried by the SLPs is close to the national mean or mode. President Ricks

**Speech Language Pathologist Grievances (cont.)**

also visited with a consultant regarding caseloads and case management roles. The current negotiated agreement does not reflect the nature of the job of the SLPs and perhaps other specialists which is a concern. The ratio of paperwork is going to be higher than a regular classroom teacher. The current teacher contract has been satisfactory until now but it is maybe something the Board should be looking into with the current legislature and to go through the Dickinson Education Association (DEA) to work on this issue. President Ricks noted the DEA is the negotiating body for the District's SLPs. The only objective measure, as far as paperwork load, was an average of 24 minutes per student for direct service and 36 minutes per student for case management. Mrs. Ross inquired how many total specialists does the District have that have a North Dakota teaching credential for specialists that fall under the negotiated agreement. Mr. Reep responded all of them would be except for maybe two. Vice president Fehr recognized as negotiators that she and President Ricks found that within the negotiated agreement some areas are not addressed but the Board negotiators are bound by the law. This made it uncomfortable for the Board negotiators. President Ricks agreed; she added there was a grievance but there was not a lot to be found within the current negotiated agreement. Mr. Seaks clarified there is a bigger issue because there are no policies or procedures and governance to provide guidance. He asked if the grievances could be addressed and then deal with the policies and procedures as the next step. President Ricks responded that would be her suggestion. As far as the grievances, there are technicalities and specifics that are within the boundaries of the negotiated agreement. If there would be a compensation there would need to be proof to support it as the Board has a fiduciary responsibility to the auditor. President Ricks explained there are no minute-by-minute accounts for the daily activities for the SLPs. The Board would need to consider in the future putting something objective for the Board to consider and go through the DEA and have it approved by the DEA. Vice president Fehr asked for clarification from President Ricks. She understood the solution, other than paying for preparation time, would be to go through the DEA. President Ricks responded that she was correct and added there should be policies and procedures in place moving forward so that it doesn't happen again. Mrs. Ross inquired if it was accurate the current negotiated agreement only provides an opportunity to acknowledge and pay for the preparation time and anything beyond that would need to be a change to the negotiated agreement and would need to go through the DEA. President Ricks responded that was accurate and added that anytime there is compensation outside of the negotiated agreement it would have to be agreed upon by the negotiating parties. Mrs. Ross inquired what the objective compensation could be and how many hours and how much money if the negotiated agreement is followed. President Ricks responded since the grievance is based on the contract and the contract says they have been working the preparation time and there are semi objective numbers the total amount of compensation would be about \$21,701, not including benefits. She added that number could change slightly as the data was reviewed and errors were corrected. Mrs. Fehr inquired how she arrived at the number. President Ricks responded that she went through the data day-by-day and hour-by-hour to figure out what was missed. From there she arrived at a total number of minutes. Mrs. Rude clarified the \$21,701 was the amount of what was missed in preparation time for all six individuals and does not include the time outside of the contract. President Ricks responded that she was correct and that the time outside of the contract could not be discussed due to the negotiated agreement. Vice president Fehr said she did not realize the SLPs did so much and had such large caseloads. It is unfortunate it came to light in the form of a grievance. She suggested the Board consider a policy and Board members recommended an attorney draft the policy. Mrs. Fehr suggested making sure there was communication so that there is an understanding with the DEA leadership and SLPs what is being found and what might be done

**Speech Language Pathologist Grievances (cont.)**

for the future. Mrs. Ross said another thing that came to light for her was that when bargaining for specialists they are not the same as the regular classroom teacher. It leaves no room for the Board to try and help them when it actually could have if not for contractual language. President Ricks said she would like to hear what the attorney has for input.

**Attorney Consultation (Executive Session Anticipated)**

– President Ricks said at this time, a motion would be in order to discuss the next topic in executive session rather than in an open meeting. As per North Dakota Century Code N.D.C.C. § 44-04-19.2, Mrs. Rude moved to close the meeting and go into executive session for the purpose of Attorney Consultation regarding teacher grievances. Mrs. Ross seconded the motion. A roll call vote was taken on the motion: ayes-Rude, Seaks Fehr, Ross, Ricks; nays-none. The motion carried unanimously. The executive session was recorded and all members of the governing body were reminded to limit their discussion during the executive session to the announced topic. The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to the attorney or negotiator. President Ricks stated that Board policy BCAD allows certain individuals to be in attendance at the closed meeting. She directed and authorized the following individuals to remain in the room during the executive session: Attorney David Phillips via conference call, the school board members Mrs. Tanya Rude, Mrs. Kris Fehr, Mr. Brent Seaks, Mrs. Leslie Ross and Chair Sarah Ricks, Superintendent Douglas Sullivan, Assistant Superintendent Vince Reep, and Recording Secretary Twila Petersen. The meeting convened in executive session and the members of the public who were attending the meeting were asked to leave. President Ricks stated it was anticipated adjourning the executive session and reconvening the open portion of the meeting at approximately 5:40 p.m. At 5:10 p.m. the meeting went into executive session and was attended by Attorney Phillips via conference call, Mrs. Rude, Mrs. Fehr, Mr. Seaks, Mrs. Ross, Chair Ricks, Superintendent Sullivan, Assistant Superintendent Reep, and Recorder Petersen.

The executive session adjourned at 6:02 p.m. The public was invited to return to the meeting room and the meeting was back in open session. President Ricks stated the discussion during the executive session was teacher grievances and no other topics were discussed. The Board consulted with its attorney. Mrs. Rude stated that it is a complicated issue. Mrs. Ross said the governance issues could be taken care of possibly through a board policy to cover situations and a trigger as to how many is a good caseload. She added there needs to be good collaborative discussion along with a good policy. President Ricks said there are no means to judge what should have happened. Mrs. Ross agreed and said she appreciated the information that the SLPs brought to help the Board make a decision. Mrs. Fehr commended President Ricks for all the time she dedicated and all her efforts and research to try and figure out the data. Mrs. Fehr moved to grant the grievance in part, there being an apparent violation of the negotiated agreement and to deny, in part, the claimed damages. She further moved to direct the administration, in consultation with the board president, to make the calculations and issue written findings. Mrs. Rude seconded the motion. There was no discussion on the motion. A roll call vote was taken on the motion: ayes-Seaks, Ross, Rude, Fehr, Ricks; nays-none. The motion carried unanimously. President Ricks stated that the Board would continue to look into policies and procedure and continue to have discussions.

**Adjournment**- At 6:08 p.m. Mrs. Ross moved to adjourn. Mrs. Fehr seconded the motion. Assuming a roll call vote the motion carried unanimously.

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Sarah Ricks, Board President

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Vince Reep, Business Manager

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Twila Petersen, Secretary