

## Unapproved School Board Meeting Minutes

Dickinson Public Schools  
Regular Meeting

October 12, 2015; 5:00 p.m.  
Board Room, Central Office

The Dickinson Public School Board held a regular meeting on October 12, 2015, at the Central Administration Office. Board members present were: President Sarah Ricks, Vice President Kris Fehr, Mrs. Leslie Ross, Mrs. Tanya Rude, and Mr. Jason Hanson. Administrators present were: Superintendent Douglas Sullivan, Assistant Superintendent Vince Reep, Mr. Ron Dockter, Mrs. Kristy Goodall, Mr. Shawn Leiss, Dr. Marcus Lewton, Dr. Becky Pitkin, Ms. Sherry Libis, Mrs. Melanie Kathrein, and Ms. Tammy Praus. Others present were: Mrs. Margaret Olheiser, Ms. Jarris Bergherr, Ms. Lee Mehrer, Mr. Keith Fernsler, Mr. Lyle Smith, Ms. Fern Pokorny, Mrs. Twila Petersen, and Mr. Andrew Haffner from the Dickinson Press.

**Call to Order** - Board President Ricks 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 September 14 regular board meeting, the September 22 special school board meeting; the bills for October 2015; the financial reports for October 2015; the pledged assets report for October 2015; the personnel reports; a tuition waiver request for a child of Heather Lagaberg from Dickinson to South Heart, a waiver request for a child of Bryan Harris from Dickinson to Richardton-Taylor, a waiver request for a child of Sherri Kirchen from Dickinson to Belfield, a waiver request for a child of Kaylin Hardwick from Dickinson to Belfield, and a waiver request for two children of Jodi Scott from Hebron to Dickinson; and the RACTC report; as presented. Mrs. Ross seconded the motion. Assuming a roll call vote the motion carried unanimously. Mrs. Fehr inquired the reasoning for the large amount of tuition waiver requests and also regarding open enrollment. Superintendent Sullivan responded that these tuition waivers were mostly students going to a school outside the district and said that open enrollment is still closed for several grades.

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

- a) **Senate Bill 2151** - During the last legislative session Senate Bill 2151 passed with the support of the Department of Public Instruction. This Bill pertains to State Early Childhood Education Grants. The school superintendent is charged with organizing a meeting to create an Early Childhood Community Coalition. Superintendent Sullivan stated he held an initial meeting on September 24. The next meeting was scheduled by three childhood providers for Monday, October 19. Superintendent Sullivan stated he has satisfied his requirement.
- b) **Tobacco Board Policy** – Superintendent Sullivan said that part of his job description is “Acts, if necessary, in any matter not covered by Board policy; reports such action to Board as soon as practical; recommends policy in order to provide guidance in the future.” Dr. Sullivan reported that recently there was a discussion amongst administrators regarding the tobacco policy which is on tonight’s agenda. The administrators have been having some difficulties with e-cigarettes at the school. Some of the syrups in the e-cigarettes do not contain nicotine. It is impossible to decipher if a device does or does not have tobacco or nicotine. Students are also bringing homemade devices that can be used to smoke other products. The policy was reviewed immediately to deal with some of the frustrations with 21<sup>st</sup> century smoking devices.

**Superintendent's Report (cont.)**

- c) Administrative Salary Task Force – Superintendent Sullivan noted at the conclusion of the administrative negotiations a Memorandum of Understanding was signed that stated there would be a task force to review the administrative salary schedule. The task force had its first meeting this morning. This task force will review the salary schedule and make recommendations prior to March 2017.
- d) Teacher Evaluation Instrument Committee Meeting – This committee will have a meeting on Tuesday, October 13 at 4:00 p.m.

**Business Topics**

**New Middle School Construction Update** - Assistant Superintendent Vince Reep provided an update regarding the progress towards the construction of the new middle school. He reported there are construction meetings every week. Bid package #2 and #3 are left to be awarded. Mortenson Construction has begun the foundation work. The construction total price to date is \$36 million. This agenda item was informational only. No action was requested.

**Student Mobility Report** – Assistant Superintendent Reep presented student mobility information for students in grades K-12. Copies of the Inward and Outward Migration report, 7-year summary, and comments are posted under Supporting Documents on the school board website. Mr. Reep reported in the 2013-2014 school year there were 1,244 students that transferred in or out of the district. In 2014-2015 school year there were 1,390 students that transferred in or out. This represents 40% of the enrollment. He emphasized that student mobility does not determine the District's enrollment numbers. Additionally, Mr. Reep reported there has been a gain of 320 students in the past seven years. Utah is the state that has the largest net incoming students in the past seven years. There are students coming in from 43 states and 15 different countries including the foreign exchange students. Mr. Reep commended the staff that input all the data into PowerSchool and track the information. Mrs. Rude asked if the students that are counted double could be removed from the count and Mr. Reep said he would check if manually this could be done. Board members thanked Mr. Reep for the report. This agenda item was informational only. No action was requested.

**Budget Input and Development Committee Update** – Available under Supporting Documents are the minutes from the September 24 Budget Committee meeting. Mrs. Ross and Mr. Hanson are the Board representatives on this committee. Mrs. Ross said at the recent Budget Committee meeting the main discussion was sixth grade activities. Other topics discussed at the Budget Committee meeting were the contract with Southwest District Health Unit (SWDHU) and transportation. At the Budget Committee meeting Mr. Fridley reported that the sixth grade activities would be implemented over a timeframe that would have facilities to support the additional athletes. The SWDHU increase in contract amount was to allow another person on staff due to a specific medical reason. Accepting bids for the transportation contract was discussed by the Budget Committee as an option for the District. Mr. Reep said that there is a good relationship with Harlow's but competition is good for the District. This agenda item was informational only. No action was requested.

**School Board Workshop** - There was a board workshop following the regular board meeting. Topics at the workshop discussed were the Dickinson High School facility and repurposing Hagen Junior High. This agenda item was informational only. No action was requested.

**2015 North Dakota School Boards Association Convention**

Delegates – President Sarah Ricks, Vice President Kris Fehr, Mrs. Tanya Rude, and Superintendent Douglas Sullivan will be attending the legal seminar and convention. Mr. Reep will be attending the legal seminar. The convention allows DPS to have up to four delegates. President Ricks, Vice President Fehr and Mrs. Rude will be attending the Friday session and are offering to be delegates. Copies of the proposed agendas for the convention and law seminar are posted under Supporting Documents. Action was requested to designate the delegates. Mrs. Ross moved that President Ricks, Vice President Fehr, and Board Member Rude be named delegates from Dickinson Public Schools for the North Dakota School Boards Association Convention. Mrs. Fehr seconded the motion. A roll call vote was taken: ayes-Hanson, Fehr, Rude, Ross, Ricks; nays-none. The motion carried unanimously.

Resolutions – A copy of the 2015 resolutions are posted under Supporting Documents on the school board website. Input on the resolutions was requested. Mrs. Fehr noted that she was on the Governmental Affairs Committee this year for the NDSBA. She reviewed some of the discussion and recommendations from the Governmental Affairs Committee. Mrs. Fehr offered to answer any questions. This topic was for discussion only. No action was requested.

**School Board Policy Revision, First Reading** – DPS administrators recommended revisions for policy ABBA-North Dakota’s Comprehensive Model School Policy for Tobacco Use. A copy of the revised policy is posted on the website under Supporting Documents. Administrative recommendation was to revise policy ABBA. Areas on the policy that are new information to the policy are noted in red text. President Ricks referenced the circumstances Superintendent Sullivan discussed relevant to the decision to revise the policy. Mrs. Fehr moved to accept the first reading approval of the revision of policy ABBA, as presented. Mr. Hanson seconded the motion. Discussion: Mrs. Rude inquired if the revised policy was all inclusive to remedy any of the nicotine tobacco available to consumers. President Ricks felt “smoking devices” should cover everything. Mrs. Ross inquired if there has been anyone that has challenged the definition of tobacco. Dr. Sullivan responded there had not. A roll call vote was taken on the motion: ayes-Rude, Fehr, Ross, Hanson, Ricks; nays-none. The motion carried unanimously.

**Ratification of the 2015-2016 DPS/DEA Professional Negotiated Agreement** – The Board and DEA negotiators met ten times to review several topics of negotiations. Available under Supporting Documents is a copy of the Professional Negotiated Agreement with the revisions incorporated into the document. Some of the changes, other than dates and grammar, include: changing the salary schedule with an index base of \$36,000, personal leave accumulation, and the grievance procedure. Superintendent Sullivan addressed the Board. He reported this agenda item was placed on the agenda with the contingency that the DEA would be ratifying the agreement tonight during its meeting. Dr. Sullivan noted that one of the procedures put in place during negotiations were signed tentative agreements when topics were agreed upon by both parties. If the Board were to also approve the agreement tonight then the administration could move forward with getting the teacher contracts out to the teachers. Dr. Sullivan stated that he just received an email a few minutes ago from Mr. Smith, president of the DEA, indicating that the DEA did not ratify the agreement that was agreed by both parties. Dr. Sullivan distributed copies of the email to the Board members. Dr. Sullivan said at this point in time the agreement was not ratified by the DEA and administrative recommendation to the Board was not to act on the agreement and table this topic for a future meeting and reminded the Board members that a motion at the table is not debatable. Vice President Fehr requested clarification regarding the agenda topic and Dr. Sullivan responded that the agenda topic is to discuss the proposed agreement. Dr. Sullivan suggested a report from the Board

**Ratification of the 2015-2016 DPS/DEA Professional Negotiated Agreement (cont.)**

negotiators that were on the negotiating team. Mrs. Fehr reported that she and Mr. Hanson were Board negotiators at the teacher negotiations. The DEA brought forth five topics for discussion; later two of the DEA topics were dropped. The Board brought forth two topics for discussion; later one of the two Board topics was dropped. The team mutually agreed to the language and grammar cleanup of the agreement. There was also a mutual agreement to correct an incorrect dollar amount in the salary schedule from last negotiations; this mistake was easily dealt with. The error was in favor of the individual in that cell who has now moved out of that cell. Mrs. Fehr distributed to Board members copies of the Memorandum of Understandings (MOU) that were signed by both parties. One MOU agreement was regarding summer school pay and the other MOU pertained to outside the contract day compensation. The summer school pay MOU acknowledges that the pay will be reviewed every other year. The MOU regarding outside the contract day compensation acknowledges that if the District should mandate a curriculum night or parent engagement activity outside of the contracted day, the District will compensate participating staff members. This topic will be discussed at future negotiations. Mrs. Fehr noted there are professional duties that are not eligible for outside of the day compensation. The average salary increase on the agreement is 5.5%. The Board dropped the request for a two year contract due to the uncertainty of the enrollment. The only other topic brought forward by the Board, after dropping the two year contract, was the grievance procedure in the negotiated agreement. This topic was brought forward to clarify the timeline and procedure. Mrs. Fehr referenced the email from Mr. Smith regarding step 4 of the contract grievance procedure. She noted that considerable time had been spent in the meetings regarding the grievance procedure and there were several drafts that went back and forth so when the Board representatives presented the last draft ultimately there was an error on #4 regarding requesting binding arbitration within 14 days (not 7 days) after step 3. Because there was a mistake in the signed tentative agreement it could not be rewritten by only one of the two parties. Even though the 14 days was agreed to, it still stated 7 days in the signed tentative agreement. It was an error not a typo. Mrs. Rude asked if there was a way for the Board to accept the change from 7 days to 14 days. Mrs. Fehr responded that the DEA must approve through negotiations the change. She added that the DEA negotiators have not asked to meet with the Board negotiators. It is not the Board's contract so it is not up to the Board to correct the issue. President Ricks asked Mrs. Fehr what would need to happen. Mrs. Fehr deferred the question to Superintendent Sullivan. Dr. Sullivan addressed the Board and emphasized that it was an error not a typo. It was a mistake similar to the salary schedule mistake. Mrs. Fehr noted the salary schedule mistake was fixed within five minutes. Dr. Sullivan noted there are no steps removed from the grievance procedure. There is a lot of time within the grievance process and taking seven days out of the process does not take away the right for binding arbitration. Mrs. Rude moved to table the discussion regarding the ratification of the teacher negotiated agreement for 2015-2016. Mr. Hanson seconded the motion. A roll call vote was taken: ayes-Ross, Fehr, Hanson, Rude, Ricks; nays-none. The motion carried unanimously.

**Other** – Mrs. Ross distributed a handout to Board members with information regarding human trafficking. President Ricks reminded Board members that the National School Boards Association registration is approaching soon. Board members should decide soon if they are planning to attend. Mrs. Fehr expressed her appreciation for the administrators' discussion regarding the salary schedule that Dr. Sullivan referenced in his superintendent's report.

**Adjournment** – At 5:53 Mrs. Ross moved to adjourn. Mrs. Rude seconded the motion. Assuming a roll call vote the motion carried unanimously. The meeting adjourned at 5:53 p.m.

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Sarah Ricks, Board President

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Vince Reep, Business Manager

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Twila Petersen, Secretary