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## **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

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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!