Negotiations Seminar 2018: Tight Budgets, Safe Workplaces, and Life after Impasse

NDSBA's 2018 Negotiations Seminar will be held at the Bismarck Ramkota Hotel on Friday, February 9. Two early bird sessions will be held on Thursday, February 8. A brochure with registration information will be available at www.ndsba.org and sent to schools in the near future.

EARLY BIRD SESSIONS

Bargaining in Times of Change
Thursday, February 8
9:30 a.m. – Noon
This session will focus on changes in the tactics used by teachers’ unions during negotiations, including the use of social media and other increasingly aggressive strategies, and how to be best prepared to deal with the change. The session will be presented by Andy Sever, Director of Labor Relations at the Montana School Boards Association.

Teacher Nonrenewal
Thursday, February 8
1:00 – 4:00 p.m.
This session will walk participants through teacher nonrenewal procedures and touch on the discharge process. The presentation will include:
• Evaluation of licensed personnel
• Nonrenewal procedures
• Performance nonrenewals

Negotiations Seminar
Friday, February 9
9:15 a.m. – 4:30 p.m.
Topics include negotiation strategies, finding ways to be creative without additional funds, safe workplace policies, and tips from experienced negotiators. There will also be an interactive question-and-answer panel to conclude the seminar.

Call the Ramkota Hotel to make your reservations at 701-258-7700. The registration deadline for the advanced registration rate is Monday, January 29, 2018. We hope to see you there!

Happy Holidays!
The North Dakota School Boards Association team would like to wish you a happy and joyous holiday season. We look forward to serving you in the New Year!

Sincerely,
Alexis, Amy, Julie, Linnae, Patty and Rebecca

NSBA 2018 Annual Conference Registration and Housing
The NSBA Annual Conference and Exposition will be held April 7-9 in San Antonio, Texas. Join us in San Antonio for a robust offering of over 25 educational programs including three inspirational general sessions that will give you new ideas and tools to help drive your school district forward.

Conference registration and housing reservations are now open. Register online at www.nsba.org/conference.
Ensure Your Playgrounds Are Safe for Children
Submitted to NDSBA by NDRPA

The North Dakota Recreation & Park Association (NDRPA) is holding its 16th annual Certified Playground Safety Inspector (CPSI) Course March 13-15, 2018, in Bismarck.

Participants have the opportunity to learn about the latest developments in playground safety through classroom instruction and hands-on site investigation during this two-day course. Individuals interested in becoming a certified playground safety inspector may take the optional exam on the third day.

Sponsorships from the North Dakota Parks & Recreation Department and the North Dakota Insurance Reserve Fund (NDIRF) make this first-class course, hosted by the Bismarck Parks & Recreation District, possible.

Scholarships available

Scholarships are available to NDIRF and NDRPA members. The first 28

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Legal Spotlight
Can a School District Limit a Patron’s or Parent’s Access to School District Property?
by Amy DeKok, NDSBA Legal Counsel

Editor’s Note:
Beginning in this issue, Amy will discuss a “hot-topic” legal issue in a new monthly column. If there is a topic you’d like to see addressed in Legal Spotlight, please contact Amy at amy.dekok@ndsba.org.

Ideally, a school district desires to foster a supportive, cooperative, and harmonious relationship with parents and members of the public. Indeed, our schools are often common places for the community to meet and discuss important issues and concerns. Above all else, however, a school district has a responsibility to provide quality educational services to its students, as well as a safe and healthy environment for its staff and the students it serves. The public’s ability to access and utilize school district property for non-educational purposes takes a back seat to this overarching obligation. On this, I am sure, we can all agree. Moreover, there is a strong and continuing interest in ensuring school safety that has been fueled by several tragic events around the country in the last few decades. These events put more pressure on school districts to ensure appropriate measures are in place to keep students and staff safe.

NDSBA has received multiple inquiries from our member school districts seeking guidance as to what to do when a patron or a parent engages in repeated disruptive, insulting, or threatening behavior on school district property, and at times, in the presence of students. The particular facts surrounding each such situation vary greatly; however, the question is always the same: Can the district limit or restrict the patron’s or parent’s access to school personnel and property? Generally speaking, the answer is yes, the district can limit or restrict access under such circumstances. There are several sources of authority by which a school district can limit access to property. First, pursuant to N.D.C.C. § 15.1-09-33(3), a school board has “custody and control of all school district property.” Second, N.D.C.C. § 15.1-06-16 makes it a class B misdemeanor for any person to: (1) willfully disturb a public school that is in session; (2) willfully interfere with or interrupt the proper order or management of a public school by an act of violence, boisterous conduct, or threatening language; or (3) rebuke, insult, or threaten a teacher in the presence of a student. Finally, while school boards may permit the district’s schools and facilities to be used for purposes other than education of students, N.D.C.C. § 15.1-06-14 provides that such usage cannot interfere with the education of students, and the board may impose restrictions on the usage provided the restrictions are not discriminatory.

Most boards have adopted policies that address the treatment of visitors on school property and often there are administration regulations that place certain requirements on how and when patrons or parents can access school facilities. For instance, most schools require visitors to check in at the district office and obtain a visitor’s pass before accessing the interior of a school building. Also, most districts have emergency plans in place that provide procedures to follow when a serious and specific threat to student safety is present. Those policies and regulations, however, do not offer much guidance or give specific direction as to what can be done when a patron or parent engages in disruptive or insulting behavior while on school district property that does not pose a serious, imminent threat to student or personnel safety. In these situations, NDSBA advises school districts that if a patron or parent is exhibiting disruptive, insulting, or threatening behavior on school district property, they should be asked to leave the premises immediately and/or the district should contact law enforcement for
assistance to remove the individual from the premises. Moreover, the school district can place reasonable limitations on the patron or parent in terms of their ability to access school district property on an ongoing basis. A common limitation is to inform the parent or patron that they are not allowed to enter and be located on school district property without advance permission from the superintendent or building principal. If the individual is a parent with students who attend the district, NDSBA often advises school districts to not require the parent to obtain advance permission to drop off or pick up the student(s) at school, to attend parent/teacher conferences, and to attend school functions and activities in which their student(s) participates. Also, in most circumstances, the school district should not prevent said patron or parent from attending board meetings.

A school district can also limit or regulate the ability of the parent or patron to have contact with staff and personnel when necessary. For instance, there have been situations where a patron or parent is communicating with or contacting a teacher excessively, after school hours, and regarding inappropriate subjects. A school district may have an obligation to intervene in these situations in order to assist the teacher. One option would be to set limits on the manner and mode of contact with the teacher. If warranted, the school district may instruct the patron or parent to refrain from contacting the teacher all together and to direct all future communication to the building principal or superintendent.

As stated previously, the situations that give rise to a school district’s need to limit or restrict a patron’s or parent’s access to staff and/or school district property can vary greatly. The important thing to keep in mind is that school districts have options to address these situations and to maintain a safe and healthy school environment for students and staff. If your district is facing such a situation, NDSBA recommends that you contact our office or your school district legal counsel for guidance.

NDSBA Still Seeking Member Input

The North Dakota School Boards Association is updating its strategic plan, and we need your help. Over the past couple of months we have emailed links to four short surveys.

Please take the time to complete the surveys at the below links:

Survey 1 - https://www.surveymonkey.com/r/NDSBA1
Survey 2 - https://www.surveymonkey.com/r/NDSBA2
Survey 3 - https://www.surveymonkey.com/r/NDSBA3
Survey 4 - https://www.surveymonkey.com/r/NDSBA4

The survey links will remain open through January 2, 2018. If you have not received these links or have questions, please contact us at 1-800-932-8791.
Northwood School District
Contact: Alexis Baxley
Phone: 800-932-8791
Email: alexis.baxley@ndsba.org
Deadline: January 26, 2018
Position begins: July 1, 2018

Grand Forks School District
Contact: Ken Dragseth, President – School Exec Connect
Phone: 952-210-2790
Email: mdragseth@comcast.net
Deadline: January 31, 2018
Position Begins: July 1, 2018

Lakota School District
Position: Superintendent, with possible AD and teaching duties
Contact: Tessa Varnson
Phone: 701-247-2992
Email: tessa.varnson@k12.nd.us
Deadline: February 12, 2018
Position Begins: July 1, 2018

Book Rooms for 2019 NDSBA Convention
NDSBA's 2019 Annual Convention will begin on Thursday, October 24, with the Law Seminar and New Member Seminar. Regular convention activities will begin that afternoon and conclude on Friday afternoon, October 25.

The Ramkota will begin taking room reservations for the 2019 Annual Convention on January 24, 2018. Call the Ramkota at 701-258-7700 for room reservations. Secure your room early!