

**POLICY REVIEW COMMITTEE  
GRAND FORKS SCHOOL BOARD  
GRAND FORKS PUBLIC SCHOOL DISTRICT #1  
MEETING MINUTES  
May 16, 2022**

The Policy Review Committee met on Monday, May 16, 2022, at the Mark Sanford Education Center with Cynthia Shabb serving as the meeting chair.

**Committee Members Present:** Chris Douthit, Eric Lunn, Cynthia Shabb, Dr. Terry Brenner, and Brandon Baumbach.

**Committee Members Absent:** GFASB School Board Liaison.

**Others Present:** School District Legal Counsel Richard ‘Dick’ Olson and Laura Cobb, and Cindy Johnson, Executive Secretary

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**Call to Order.** The meeting was called to order at 10:00 a.m.

**Approval of Minutes.** A correction was requested on the top of page 1. The draft minutes read, “The committee did not feel the suggest policy was in the best interests of the students.” They should read, “The committee did not feel the suggested policy was in the best interests of the students.”

It was moved by Douthit and seconded by Lunn to approve the minutes of May 3, 2022, as corrected. Motion carried unanimously.

**Review Various Policies for Possible Addition, Modification, and/or Rescindment:**

**ABBB, Community Use of District Property.** A discussion was held about prohibited activities number 8, Usage of district kitchen facilities, and number 9, use of snowmobiles or ATVs on school property. The Committee agreed they did not want user groups and third parties using the district kitchen facilities because it was problematic for kitchen staff if the user group did not return the kitchen to its original condition. Therefore, the probation was not amended. Modifications were made to the prohibitions of use of ATVs and snowmobiles on school district property to only areas designated for motor vehicles.

It was moved by Lunn and seconded by Douthit to approve ABBB, Community Use of District Property, as amended and forward it to the school board with a unanimous recommendation to complete its appropriate readings and adoption. Motion carried unanimously.

The final copy of the policy will be provided by legal counsel.

**FDI, Transgender and Gender Nonconforming Students.** This template was compared with the West Fargo Public Schools template and reviewed by the GFPS legal counsel and modifications were notated. It was also requested to change the word “grooming” to “personal appearance” in the definition of Gender expression.

It was moved by Douthit and seconded by Lunn to approve FDI, Transgender and Gender Nonconforming Students, as amended and forward it to the school board with a unanimous recommendation to complete its appropriate readings and adoption. Motion carried unanimously.

The final copy of the policy will be provided by legal counsel.

**FDI-AR, Transgender and Gender Nonconforming Student Procedures.** A discussion was held about balancing the student’s rights to privacy and FERPA disclosure. There is no legal duty on the school to disclose to the parents regarding identity if the student is choosing to identify as anything other than their birth/biological sex. If a parent makes a FERPA request for educational records, it may be inadvertently disclosed. Student resource providers may want to clarify this for students.

Discussion continued about how to provide proper protection for all stakeholders, i.e. students, teachers, parents, and administrators. Current literature is primarily in support of a student’s right to privacy.

Cindy Johnson joined the meeting at 11:03 a.m.

It was proposed that the district would disclose the information if the student is under the age of 18 unless there the student does not feel safe or if there is a threat of immediate harm or fear of reprisal or abuse and if so to involve the school counselor to help the student inform their parent(s). It was noted the district may need to be prepared to provide accommodation for both the transgender student and the student who may find offense to the presence of a transgender student. It was also discussed that the student must specifically and affirmatively request non-disclosure.

It was requested to consider language that transgender and non-transgender students have the right to request an alternate space for the locker room and restroom use.

The final copy of the administrative regulation will be provided by legal counsel and brought back to the committee.

**FDI-E, School Planning Guide for Transgender and Gender Nonconforming Students.** The final copy of the exhibit will be provided by legal counsel and brought back to the committee.

**DGAA, Teacher Grievance Procedure.** The current policy (4120) has not been updated since December 2002. The NDSBA template is current as of January 2015. The Teacher Negotiated Agreement prevents the Board from making any changes to 4120 without the mutual agreement of the Association and the Board. The Grand Forks Education Association president, Melissa Buchhop, reported via email that their negotiations team looked over the new policy and cannot agree to the changes at this time. She said there are too many changes for them to even edit the new proposed policy and that they would like to keep the current policy in place. The TNA provision appears to tie the hands of the Board doing its work as the policy-making body for the District (Policy BDA) and law. At the same time, Policy BDAA states, that any contract entered into between the Board and another party supersedes district policy and regulations whenever a conflict exists between a policy or regulation and the contract language. The current policy could be left as is and re-codified; however, in doing so the policy would remain outdated.

The District legal counsel's opinion is that the school board has waived the unilateral right to modify the grievance procedure policy without the consent and approval of GFEA. The school district should renegotiate the ability to modify Policy 4120 and keep

policy making with the Board.

**ABAA, School District Organization Plan and ABAA-BR, Guidelines for Determining Class Size and Building Size.** This policy and board regulation were approved on May 3 to forward to the school board but when preparing the school board agenda packet, it was realized that they contain duplicated language. They have been modified and approval, as amended, is recommended. An additional minor amendment to change language in the first paragraph of ABBA from "elementary, middle level/junior high, or secondary/high school" to "elementary, middle, or high school."

It was moved by Douthit and seconded by Lunn to approve ABBA, School District Organization Plan, as amended and forward it to the school board with a unanimous recommendation to complete its appropriate readings and adoption. Motion carried unanimously.

It was moved by Lunn and seconded by Douthit to approve ABBA-BR, Guidelines for Determining Class Size and Building Size, as amended and forward it to the school board with a unanimous recommendation to complete its appropriate readings and adoption. Motion carried unanimously.

**Adjournment.** The meeting was adjourned at 11:30 a.m.

APPROVED \_\_\_\_\_  
(Date)

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Cynthia Shabb, Meeting Chair

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Brandon Baumbach, Business Manager