



# bulletin



FEBRUARY 2020

*Excellence in North Dakota public education through local school board governance* ■ VOL XLV ISSUE 2

## 2020 Negotiations Seminar

The 2020 NDSBA Negotiations Seminar was held on February 6-7 at the National Energy Center of Excellence in Bismarck. Early bird sessions were held on Thursday, February 6, that addressed FERPA, nonrenewal, and BoardBook Premier. Threat Assessment Training was also held on Thursday. The Negotiations Seminar on Friday, February 7, addressed negotiations basics, strategies, the days-to-hours transition, declaring impasse, and benefits. The seminar was informative and well attended.



### Election Deadlines

North Dakota election laws are specific regarding dates and deadlines. Relevant election law is found in NDCC 15.1-09. Election deadline information and a sample calendar were included in the January *Bulletin* and are posted on NDSBA's website under QUICK CLICKS.

### Superintendent Evaluations

North Dakota law requires that a school board complete the superintendent's evaluation **ON OR BEFORE MARCH 15**. A sample evaluation form is available on NDSBA's webpage under RESOURCES.

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# Legal Spotlight

## New Guidance on Calculation of Instructional Time

by Amy De Kok, NDSBA Legal Counsel

During the 2019 Legislative Session, the North Dakota

legislature made important changes to the school calendar instructional and high school unit time requirements. Specifically, the instructional time requirement set forth in NDCC 15.1-06-04 was changed from a minimum of 175 days per school year to: (1) at least 962.5 hours of instruction for elementary students; and (2) 1,050 hours of instruction for middle and high school students. The purpose for the change from days to hours was to allow school districts more flexibility to deal with school closures related to weather and other emergencies, as well as scheduling for instruction and professional development. Several states around the country already define school calendar requirements by hours or minutes and even more allow districts to choose between days or hours/minutes in setting their calendars. School districts still have the ability to seek a waiver from the governor for the requirement of rescheduling instructional time lost for weather or

other emergencies. In addition to the days to hours shift, the legislature also amended NDCC 15.1-21-03 to change the measurement of high school unit time (i.e., 120 hours of general education course/150 hours of CTE and science courses) from instruction time to “student engagement.”

In making these changes, the legislature did not define what constitutes “student engagement” or identify what can be included in the calculation of instructional time for purposes of meeting the hours requirement. In response to this lack of clear direction from the legislature, a committee of education stakeholders was formed in order to provide guidance to school districts on these issues. The ND Department of Public Instruction (DPI) finalized and issued this guidance and provided it to all school districts this week. With respect to the overall annual instructional hour requirement, the following, in addition to traditional classroom instruction time, may be included in the calculation:

- **Passing time** counts as part of the school day in the yearly calculation. Students that enter a school building are under the direct charge of North Dakota educators. In addition, passing time is an opportunity for students to develop social and emotional skills. Passing time is also an opportunity to build friendships and communication skills.

- **Zero Period and/or Eighth Period** counts as part of the school day in the yearly calculation. School is technically in session during this time and students are being served. Students who struggle and need one-on-one help from a teacher find this time invaluable. These time periods may be the only opportunity students have to get additional support and guidance in their education. In addition, this is a local decision. There are checks and balances in school systems to appropriately measure the value of this time.

- **Recess** counts as part of the school day in the yearly calculation. There is a myriad of learning experiences during this time. Recess is a valuable time for students to grow socially and emotionally. It assists them in

developing skills in conflict resolution, team building, communication, and problem solving. In addition, it is expected that teachers and administrators are monitoring and teaching during recess.

Lunch time should **not** be counted in meeting the yearly requirement as per the Attorney General Opinion dated July 2, 1997.

As to calculation of high school unit time, the guidance provides that “student engagement” occurs when a student is actively involved in learning essential material, driven by state content standards, and this learning is overseen or facilitated by a licensed teacher—either on or off school site. In addition, up to 15 of the 150 hours of instruction per calendar year in all CTE and science courses can be spent by the student completing assignments outside of the classroom including an internship or at a work site. However, homework does not equal student engagement and must not be included in this definition.

Finally, the committee also drafted guidance to assist districts that choose to implement a four-day school week. NDCC 15.1-06-04 provides that “if a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply and be approved for a waiver by the superintendent of public instruction.” DPI’s definition of a four-day school week is as follows:

A four-day school week includes a school calendar that consistently has four student contact days per week over an interval of several months. This can be traditional four-day weeks in which

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## BoardBook Premier

BoardBook Premier is now available to North Dakota school districts,

political subdivisions, and businesses. BoardBook Premier is a paperless meeting and document storage program designed by school boards and is the new standard in board agenda preparation and decision making. Visit [www.ndsba.org](http://www.ndsba.org) for more information.

## 6th Annual Human Resource Conference for Local Governments

Registration is now open for the 6th Annual Human Resource Conference for Local Governments. The conference will be held on April 21- 22 at the Ramkota Hotel in Bismarck and is hosted by the Human Resources Collaborative. The partnering agencies involved in the Collaborative are the ND Association of Counties, ND League of Cities, ND School Boards Association, ND Parks and Recreation Association, and the ND Insurance Reserve Fund.

The conference will begin with a motivational session offered by Dawn Kaiser called "Navigating Seasons of Change in Life: Let your Joy be Bigger than your Fear." Dawn is one of the conference's favorite presenters due to her energy, common sense, and practical ideas. This session will invite participants to consider how they navigate change.

The second plenary session will focus on how to structure human resource management and will feature a panel discussion with an elected official, executive leader, HR professional, and an organizational resource. The group will discuss the unique challenges from very small units of government to the largest. Specifically, there will be discussion on roles and responsibilities and boundary issues

with time for questions and answers.

A new three-session track on HR Basics will be led during the afternoon by Tanya Weiler and Chuck Horter using the recently revised HR Reference Guide. In addition, 15 breakout sessions will be offered throughout the conference to address key emerging HR issues and sessions on improving workplace culture and leadership.

Finally, the "Keeping it Legal" presentation will be presented by a panel including Troy Siebel, Brian Schmidt, and Amy De Kok discussing emerging issues and changes in laws related to Human Resources.

Registration and conference information can be accessed on the HR Collaborative website at <http://www.hrndgov.org>. The registration fee is \$200. All are welcome. **Business Manager Certification Program (NDSBMCP) students can receive up to 1.5 affiliate credits for attending the conference. Business managers will need to complete the NDSBMCP affiliate credit form found on the NDSBMCP website and submit it to Rebecca Duben to receive credit. Contact the NDSBA office at 1-800-932-8791 for more information.**

## Legal Spotlight

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the entire yearly calendar is comprised of four student contact days per week or a hybrid four-day school week that consists of four student contact days per week in a chosen semester or over a season such as winter. In addition, a district that implements a four-day school week will most likely have eight to nine hours of student contact time during the day within the four-day school week. Districts that implement a four-day school week must still create a contingency plan to provide services for students and families that are burdened by the four-day school week, such as providing breakfast and lunch.

In meeting the requirement to create a contingency plan, the new guidance issued by DPI recommends that schools create a plan for students in the event necessary services cannot be provided by parents. For example, many schools conduct STEM days, physical education days, or at the very least provide breakfast and lunch to students. This contingency plan must be created and implemented at the local level. Any planned activity hours – academic or non-academic – on the fifth day of a four-day school week are not to be counted in yearly calendar hour totals. Regardless of when and how the four-day school week is implemented, schools must still adhere to the minimum hourly requirement of 962.5 hours of instruction per year at the elementary school level and 1,050 hours of instruction at the middle and high school level.

The new guidance can be accessed on NDSBA's website ([www.ndsba.org](http://www.ndsba.org)) under the *Resources* tab. In addition, Joe Kolosky, DPI, and Jeff Fastnacht, Asst. Superintendent, Mandan Public Schools, gave a detailed presentation on these issues at NDSBA's recent Negotiations Seminar. Their presentation may also be accessed on NDSBA's website under the *Events* tab at the link to the *Negotiations Seminar*.

Unless further direction is given by future legislative action, NDSBA recommends that school districts follow the guidance issued by DPI in complying with the statutory instructional time and four-day school week requirements.

For further information on any of these topics, please contact NDSBA or DPI.

### Business Manager Certification Program Accepting Applications

The North Dakota School Business Manager Certification Program is accepting applications for new students to begin courses this summer. The application form can be accessed online at <http://ndsbmcp.org/index.php/handbooks-and-forms/>. Applications will be accepted until **June 1, 2020**. Prospective students can download a program brochure at <http://ndsbmcp.org/index.php/handbooks-and-forms/> or contact [rebecca.duben@ndsba.org](mailto:rebecca.duben@ndsba.org) for more information.

### Threat Assessment Training

On February 6, NDSBA hosted threat assessment training in conjunction with the Negotiations Seminar. NDSBA also offers this training on an as-requested basis. We can train up to six teams (4-8 members each) at a time, so it is possible to partner with other districts to host the training.

The four-hour training consists of classroom time and a hands-on exercise. If your district would like to discuss scheduling a training, please contact NDSBA at 1-800-932-8791 or email Alexis at [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org).



### NSBA 2020 Annual Conference Registration and Housing

The NSBA Annual Conference and Exposition will be held on April 4-6 in Chicago, Illinois. Join us in Chicago for a robust offering of over 250 educational programs that will give you new ideas and tools to help drive your district forward.

Conference registration and housing reservations are now open. Register online at <https://www.nsba.org/Events/NSBA-2020-Annual-Conference-and-Exposition>.





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## superintendent vacancies

### **Leeds School District (part-time)**

Contact: Maria Dunlap  
Phone: 701-466-2461  
Email: [maria.m.dunlap@k12.nd.us](mailto:maria.m.dunlap@k12.nd.us)  
Application: Email resume to above, or mail to PO Box 189, Leeds ND 58346  
Deadline: Open until filled  
Position Begins: July 1, 2020

### **Killdeer School District**

Contact: Alexis Baxley  
Phone: 1-800-932-8791  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Application: [www.ndsba.org](http://www.ndsba.org)  
Deadline: March 2, 2020  
Position Begins: July 1, 2020

### **Mandaree School District**

Contact: Alexis Baxley  
Phone: 1-800-932-8791  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Application: [www.ndsba.org](http://www.ndsba.org)  
Deadline: April 1, 2020  
Position Begins: July 1, 2020

### **Carrington School District**

Contact: Kim Edland  
Phone: 701-652-3136  
Email: [kimary.edland@k12.nd.us](mailto:kimary.edland@k12.nd.us)  
Application: Contact above  
Deadline: March 2, 2020  
Position Begins: July 1, 2020

### **Williams County School District**

Contact: Ray and Associates, Inc.  
Phone: 319-393-3115  
Email: [glr@rayassoc.com](mailto:glr@rayassoc.com)  
Application: [www.rayassoc.com](http://www.rayassoc.com)  
Deadline: March 18, 2020  
Position Begins: July 1, 2020

## mark your calendar

### **2020 NSBA Annual Conference**

April 4-6, 2020  
Chicago, Illinois

### **2020 NDSBA Annual Convention**

October 29-30, 2020  
Ramkota Hotel, Bismarck

### **2021 NDSBA Annual Convention**

October 28-29, 2021  
Ramkota Hotel, Bismarck



## **Follow NDSBA on Twitter!**

Follow us at [@ndsba](https://twitter.com/ndsba) for event, policy, and other education-related updates.



## **Book Rooms for 2021 NDSBA Convention**

NDSBA's 2021 Annual Convention will begin on Thursday, October 28, with the School Law Seminar and New Member Seminar. Regular convention activities will begin that afternoon and conclude on Friday afternoon, October 29.

The Ramkota is now taking sleeping room reservations for the 2021 Annual Convention. Call the Ramkota at 701-258-7700 for room reservations. Secure your room early.