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NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

NOVEMBER 2019

Excellence in North Dakota public education through local school board governance ■ VOL XLVIII ISSUE 11

Election and Delegate Assembly Results

At the election held Friday, October 25, the following members were elected to serve on the NDSBA Board of Directors:

Holly Stromsodt (Finley-Sharon) – President; Karl Lembke (Bismarck) – Vice President; Steve Halldorson (Devils Lake) – Northeast Director; Lucas Greff (Mott/Regent) – Southwest Director; Jim Rostad (Minot) – Northwest Director. Completing the NDSBA board is Jim



Jim Rostad, NDSBA Northwest Director

Johnson (Fargo) – Past President; and Patti Stedman (West Fargo) – Southeast Director.

Additionally, the Delegate Assembly adopted seven resolutions as recommended by the Government Affairs Committee. The title of those resolutions is below. Full text can be found at www.ndsba.org.

1. Federal impact aid funding
2. Non-education funds to provide for safety issues including school resource officers and health and nursing services
3. K-12 funding adequacy



4. Sales and use tax exemptions of school construction supplies and materials
5. Curriculum content
6. Removing compensation from negotiations
7. Publishing minutes

Board Members Receive Awards at Annual Convention

A number of school board members were recognized at the 2019 Annual Convention.

NDSBA recognizes board members for their professional development and service on two levels: Veteran Board Member and Master Board Member. A point system has been adopted whereby each opportunity carries a specific value. When a board member has earned 100 points, a certificate is awarded designating the individual as a Veteran Board Member. When 200 points are earned, the designation is Master Board Member and a certificate and lapel pin are awarded. Board members who participate in national meetings earn their certificate “with distinction.” The following individuals received service awards:

Veteran Board Member: Matt Johnson, Bottineau

Veteran Board Members with Distinction: Jennifer Benson, Fargo; and Kim Bernstein, Bottineau

Master Board Members: Steve Feil



Left to right: Matt Johnson, Bottineau; Kim Bernstein, Bottineau; Steve Feil, Divide County; Robin Nelson, Fargo. Not pictured: Jennifer Benson, Fargo; Dwight Fagerbakke, Divide County.

and Dwight Fagerbakke, Divide County
Master Board Member with Distinction: Robin Nelson, Fargo

Additionally, Devils Lake School Board President LeeAnn Johnston received the 2019 Barb Norby Scholarship Award.

LeeAnn has been a member of the



LeeAnn Johnston (left) receives Scholarship Award from Barb Norby.

Devils Lake School Board for eight years and has served as president for the past four years. She is an advocate for public schools and a visionary for the future of our school's greatest assets—the students.

The Barb Norby Scholarship Award
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Legal Spotlight

“Probationary” Teacher Bill and Impact on Evaluations

by Amy De Kok, NDSBA Legal Counsel

This past session, the North Dakota Legislature made some meaningful amendments to NDCC 15.1-15-02 relating to teacher nonrenewal. Prior to the amendments, NDCC 15.1-15-02 addressed the criteria and other requirements for a school board to nonrenew the contract of a first-year teacher without the need to hold a due process hearing. A “first-year teacher” was defined as an individual teaching for the first school year since obtaining a license to teach. As a result, the more streamlined nonrenewal procedure set forth in section 15.1-15-02 applied only to a limited pool of individuals. Proponents of the amendments all agreed that the first year of teaching after licensure for most teachers can be a struggle. It involves a significant learning curve. Indeed, many teachers look back at that year and readily admit that they were not very effective and still had much to learn. Also, certain factors may impact a teacher’s experience in that first year. For example, a teacher

could have a particularly difficult group of students that has an impact on his/her effectiveness and success that year. This in turn could impact the evaluations the teacher receives from administration and could lead to a recommendation to the board to nonrenew the teacher in advance of “tenure”¹ status being achieved.

As it stood, the law forced school boards to make the decision on whether to continue employment of a teacher before the teacher completes that first year of teaching with less than one year of observation and evaluation OR to terminate the teacher’s employment with the school district. Indeed, this decision was often made after only four or five months of classroom time. This was not good for the teacher or the district. Less than one year simply did not give sufficient opportunity for most public school teachers in their first year of licensure to acquire and demonstrate to a district employer the skills and experience to be an effective educator. It also did not give school districts sufficient time to mentor and provide meaningful assistance to first-year teachers before making the decision on whether the teacher should transition into tenured status.

HB 1347 passed into law this past session expanded the pool of

individuals whose contracts could be nonrenewed through the more streamlined process. Specifically, rather than apply only to a “first-year teacher,” the process would apply to a “probationary teacher,” which is defined as an individual teaching for less than two years in a public school district. What this means is that after a teacher completes two years of employment with a public school district in North Dakota, the teacher will achieve “tenure” status with that district and their contract cannot be nonrenewed without the board of the school district complying with delineated notice requirements and undergoing a statutory nonrenewal due process proceeding.

Despite the use of the term “probationary,” the amendments did not create a new “probationary” status for teachers *per se*. Rather, the amendments address “tenure” status for teachers and extend the non-tenured period to two years so that teachers and school districts may work together to start to develop the skills necessary to be an effective teacher before tenure is achieved. The legislature also added a requirement that the board of a school district offer, as needed and based on the teacher’s evaluation, a

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ND County Auditors Launch Election Sticker Contest

The North Dakota County Auditors Association has launched a contest for fourth grade students to design a new “I Voted” sticker for use in the 2020 Election and into the future. The value of this project is raising awareness of the importance of elections and the role counties play in elections. In addition, it provides a new updated sticker for voters to receive on Election Day.

North Dakota county auditors will be reaching out to schools across the state in an effort to engage fourth grade classrooms and encourage student participation. Students can create a color design using the form distributed to schools or found directly at ndaco.org/sticker-contest. The design must include the words “I Voted” and the design must fit in the oval on the form. Entries can be provided to the

county auditor or emailed directly to contest@ndaco.org by **December 20, 2019**. County auditors will select one submission from their county to forward onto the statewide competition. The winning design will be announced in April 2020 during County Government month. The new “I Voted” sticker will be used starting in the June 2020 election.

Soliciting the help of fourth graders is a perfect fit for the project. Fourth graders across the state have a North Dakota Studies unit, which includes the right and responsibility of citizens over the age of 18 to vote in elections. This contest provides a perfect opportunity for county auditors and teachers to work together to get students interested in voting and educated on the election process.

■ Legal Spotlight: "Probationary" Teacher Bill

Continued from page 2

teacher mentoring program for non-tenured teachers. This will provide appropriate mentoring and assistance to a teacher to develop the appropriate skills and experience to be an effective teacher. In addition, a board of a school district has the discretion to waive the "probationary" period for an individual teacher.

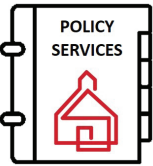
NDSBA has received inquiries from a few districts as to what, if any, impact these changes to NDCC 15.1-15-02 have on the requirements and deadlines for teacher evaluations set forth in NDCC 15.1-15-01. Specifically, the number of evaluations required depends on the number of years of employment as a teacher. The relevant statutory provisions do not clarify whether it is number of years of employment from receipt of a license or necessary credentials OR whether it is the number of years of employment with a particular district. In reviewing legislative history,

there does not appear to be any intent on the part of the legislature for the new probationary teacher provisions to have an impact on the evaluation requirements and deadlines. In other words, NDSBA believes the number and deadlines of performance evaluations depends on the individual teacher's years of employment as a teacher, rather than years of employment with a particular district. This is consistent with general practice in school districts throughout the state of North Dakota.

Please feel free to contact NDSBA for additional information regarding the recent changes to NDCC 15.1-15-02 or teacher evaluation requirements.

¹*North Dakota does not use the term "tenure" to officially describe the employment status of teachers; however, it is a term commonly used in the K-12 education setting and is being used for purposes of explanation.*

School Boards' Role in Policy



Establishing policy is solely the job of the school board and one of its most important responsibilities. Policy provides a roadmap for healthy board operations while minimizing

liability to the district, board members, administration, and staff. Discussing and adopting policy can be a time-consuming task. Fortunately, the board is not alone in this process. By relying on the superintendent to alert them to changing circumstances affecting policy, forming a Policy Committee to evaluate policies, and utilizing the expertise and services of NDSBA Policy Services, the board will substantially streamline and advance the policy process.

What is a Policy Committee and how can it expedite the policy process? The primary role of the committee is to review and recommend policy additions or changes to the board prior to monthly meetings thereby adding efficiency and reducing the time the full board spends on policy. Committee

members should be appointed by the board president and approved by the board per state statute. Districts are advised to keep this committee small with one or two board members, the superintendent, and business manager. Teachers or other staff should not be on this committee. Board committees are required to comply with all open meeting laws.

Far too often district policies are put on the back burner. This is never a good scenario and one that our office regularly deals with. We encourage you as board members to be familiar with your district's policies and the NDSBA services you are enrolled in. By playing an active role in the policy process, it will not only minimize your risk of liability, unnecessary legal fees, and unfavorable audits, but benefit your district's board operations, employees, and students.

For additional information on policies or NDSBA Policy Services, please contact NDSBA at 1-800-932-8791 or rebecca.duben@ndsba.org.

BND Offers Monthly Webinar

The Bank of North Dakota is offering a monthly webinar, September – May, on the latest workforce and education needs in North Dakota called Direct Line to Education. The webinar is hosted the third Wednesday of every month at 3:30 p.m. Register for notifications and to receive recordings at <http://bit.ly/2lvxWlg>.

NDSBMCP To Offer Introduction to Accounting and Payroll Courses



Registration is now open for the ND School Business Manager Certification Program online courses: Introduction to

Accounting and Introduction to Payroll. These courses are meant for first-year business manager certification program students; however, graduates of the program are encouraged to sign up for one or both courses at a discounted rate. Graduate students can receive up to three affiliate credits for re-taking these online courses. Registered students will be sent instructions on how to access the course materials on December 15.

Christi Schaeffbauer, CPA and former business manager, will cover basic accounting principles such as accounting cycle, financial statements, purchasing, investing, and internal controls. Emphasis will be placed on accounting requirements unique to schools.

Patty VerDouw, NDSBA Policy Services Assistant and former business manager, will provide an overview of payroll recordkeeping, payroll law, leaves, benefits, taxes, withholding/ deductions, and state and federal reporting.

Course information and registration is available on the NDSBMCP website by clicking the NEWS tab at the top of the page or by calling the NDSBA office at 1-800-932-8791.

■ Board Member Awards

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was created by the North Dakota School Boards Association Board of Directors in tribute to Barb Norby's valuable service to the association and honors a board member each year who demonstrates admirable school board leadership. The scholarship provides registration and an expense allowance to attend the National School Boards Association Annual Conference held each spring.

Congratulations to all award winners!



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2020 NDSBA Negotiations Seminar

NDSBA's 2020 Negotiations Seminar will be held at the **BSC National Energy Center of Excellence on the Bismarck State College** Campus on Thursday-Friday, **February 6-7, 2020.**

NDSBA room blocks are available at these nearby hotels:

Hampton Inn & Suites*

2020 Schafer Street
\$109/night
(701)751-5656

Home2 Suites*

1122 West Turnpike Avenue
\$109/night
(701)752-3400

Links to NDSBA room blocks at these hotels can be accessed from our Negotiations Seminar webpage at www.ndsba.org/index.php/negotiations-seminar/

*Be sure to **request rooms in the NDSBA block** if you call for reservations.

Request for Public Comment on Perkins V Performance Assessment Targets

The North Dakota Department of Career and Technical Education (CTE) is taking public comment on the proposed performance assessment targets for the Strengthening Career and Technical Education for the 21st Century Act or Perkins V. Perkins V provides federal funding for secondary and postsecondary CTE programs in North Dakota. The 2019-20 federal award to North Dakota is \$5,037,372. To receive these funds, North Dakota must submit a four-year plan, which includes statewide performance indicator targets. These targets were determined by utilizing historical data and federal guidelines. The federally required indicators refer to measurements the North Dakota Department of Career and Technical Education will use annually to evaluate whether CTE goals are being met statewide.

For more information on the proposed

targets and how to submit comments, please visit https://www.cte.nd.gov/sites/www/files/documents/Perkins/Perkins_Targets_Public_Comment.pdf.

Comments must be submitted by **December 22, 2019.**



mark your calendar

2020 NDSBA Negotiations Seminar

February 6-7, 2020
BSC National Energy Center of Excellence, Bismarck

2020 NSBA Annual Conference

April 4-6, 2020
Chicago, Illinois

2020 NDSBA Annual Convention

October 29-30, 2020
Ramkota Hotel, Bismarck



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