



## Special Legislative Session Finishes Work in 5 Days

A special session of the 67th Legislative Assembly convened on Monday, November 8. The main priorities of the session were to complete redistricting and appropriate American Rescue Plan Act (ARPA) funds.

Legislative Management introduced ten bills to address the main priorities and a handful of other items from legislative interim committees. Lawmakers proposed an additional 26 bills. Each of the 26 bills had to go before the Delayed Bills Committee for approval before they could receive full consideration. Of the 26, only eight bills were approved to be heard. An additional three bills were introduced through a third process – by being proposed on the floor of the body in which they were introduced and received a two-thirds majority vote. Once everything shook out, there was a total of 21 bills to be considered. NDSBA tracked eight of those bills.

The special session wrapped up its work in five long days, adjourning *Sine Die* early just before 12:30 p.m. on Friday, November 12. The Governor

has since signed all the bills that passed both houses. The following are the key education-related bills impacting school districts that were passed during the special session.

**HB 1505** – This bill provides an appropriation (approximately \$88m) out of ARPA funds available to the State of North Dakota to the CTE department for the purpose of a state-wide area career center initiative grant program. During the 2021 regular session the legislature passed intent language for \$70 million for this purpose. This is the appropriation to match that language with an additional \$18 million for the total of \$88 million.

**HB 1507** – This bill directs the K-12 Coordination Council to study cyber security curriculum and report to the legislature by December 2022.

**HB 1508** – HB 1508 prohibits the teaching of Critical Race Theory by K-12 school districts.

**HB 1511** – This bill prohibits the state and its political subdivisions, including school districts, from requiring proof of COVID-19 vaccination status before providing

access to property, funds, or services. In other words, under this bill, school districts can not require proof of COVID-19 vaccination status before enrolling a student in public school. This bill further limits a business's ability to mandate employee vaccines should the federal vaccine mandate policies be permanently "stayed" or the state lawsuit against it is successful. While the bill does not prohibit a private employer from putting a COVID-19 vaccination requirement in place, it requires several exceptions including alternative testing, showing a positive antibody test within the last 12 months, and medical, religious, philosophical, and moral objection to the vaccine.

**SB 2346** – This bill allows the state to withhold \$88 from each per pupil payment for the purpose of funding a rebuild of the North Dakota state automated reporting system and the statewide longitudinal data system. Funds must be withheld before April 1, 2022. The bill also included language allowing ESSER funds to be used to reimburse eligible school districts for the funds. This deal was worked out during the regular session earlier this year, but legislators had to wait to receive the estimated cost to rebuild the system before adopting language.

**SB 2350** – This bill was a correction to a bill passed during the 2021 regular legislative session that allowed integrated mathematics II or integrated mathematics III to count as math units as required by the North Dakota CTE scholarship. The original bill missed a reference to these courses, which SB 2350 corrected.



### NDSBA Seeks Student Artwork

NDSBA is seeking holiday-themed student artwork to be featured on our holiday cards. Artwork should be landscape-oriented and 5.5x4.75 inches. The student whose artwork is chosen will be recognized in the December issue of the *Bulletin* and receive a \$50 Barnes & Noble gift card. NDSBA will also make a \$200 donation to the student's classroom.

Artwork can be submitted in two ways:

1. Original artwork can be mailed to NDSBA, 1224 West Owens Ave., Bismarck ND 58501.
2. High quality scans (300 dpi or greater) of original artwork can be emailed to [taylor.lassiter@ndsba.org](mailto:taylor.lassiter@ndsba.org).

All submissions should include the name and grade of the student, the name of the student's teacher, and the school district. Artwork must be received in the NDSBA office **by December 3**.



# Legal Spotlight

## Recent Changes to the Negotiations Process

by Amy De Kok, NDSBA Legal Counsel

This past spring, the 67th Legislative Assembly passed SB 2215, which made important changes to the teacher negotiations process set forth in NDCC chapter 15.1-16. With the passage of SB 2215, the overall structure of the negotiations process as it works in practice throughout North Dakota today remains the same; however, NDSBA worked with the bill sponsors to draft SB 2215 with the goal of building more structure into the process.

Before explaining the changes made by the bill, it may be helpful to briefly review the requirements of NDCC chapter 15.1-16 regarding the negotiations process. Negotiations cannot begin until either the board or a representative organization (usually the local teachers association) for the negotiating unit (the teachers) provides notice to the other side of their intent to negotiate. Prior to SB 2215, this notice must be provided no later than 60 days before anniversary of the

negotiated agreement (typically July 1). Once notice is provided, regardless of which party provides the notice, a two-step recognition process is supposed to occur before actual negotiations may begin; however, there was no timeframe built into statute as to when this must occur following provision of the notice. If this recognition process is not commenced or is delayed, it can significantly impact the timing and completion of negotiations.

The two-step recognition process begins with the filing of a petition for recognition of an appropriate negotiating unit. There is no timeframe or deadlines built into the NDCC for this step in terms of when this request must be filed or when the board must act on/consider it. Once the board approves the appropriate negotiating unit, the second step is for a representative organization to file a petition with the board to be recognized as the party that will represent the unit in negotiations. Again, there is no deadline or timeframe by which this request must be filed in relation to the recognition of the unit; however, there are deadlines for what is to occur once such a petition is filed with the board. In practice in most districts, the local teachers association submits a petition containing both requests. Because the NDCC contemplates a two-step process and there are not sufficient deadlines or timeframes built into the process in statute, this often causes confusion as to how the recognition process should move forward, especially when the two requests are included in one petition and has caused boards and teachers associations to inadvertently miss the few deadlines required by statute.

Once the recognition process is complete, negotiations must begin within 30 days unless the parties agree otherwise. However, other than the duty to negotiate in good faith, there were no other timeframes or deadlines in place to encourage the parties to pursue negotiations in a timely manner. This led to use of delay as a negotiation

tactic. SB 2215 was proposed to build additional structure and timeframes into the process in an effort to benefit all sides. To this end, SB 2215 does several things:

- Incorporates specific deadlines within the current statutory structure relating to the two-step recognition process. Specifically, a petition requesting recognition of the appropriate negotiating unit must be filed with the school board no later than February 1 of the current school year. The board must accept or reject the proposed negotiating unit described in the petition within 30 days of receipt. In addition, a petition requesting recognition of a representative organization must be filed with the school board no later than March 1 of the current school year. The existing process/deadlines following receipt of this petition remains the same.

- Moves the deadline to provide notice of intent to negotiate/re negotiate in section 15.1-16-13(3) from no less than 60 days before annual anniversary date to no less than 160 days before annual anniversary date. This is the first step in the negotiation process and therefore, it makes sense to move this deadline up in light of the proposed deadlines relating to the recognition process.

- Adds an end date of July 1 for completion of negotiations unless otherwise agreed to by the parties.

- Provides that impasse will exist by operation of law if any of the following three situations occur: (1) after a reasonable period of negotiation, an agreement has not been formulated and a dispute exists; (2) by June 1 following recognition, an agreement has not been reached between the board and the representative organization and the parties have not otherwise agreed to extend the negotiations period; or (3) the board and the representative both agree that an impasse exists.

- Makes clear that the representative organization maintains its authority to

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The *Bulletin* is the official newsletter of the North Dakota School Boards Association. It is published twelve times each year and is mailed as third class mail from New Salem, North Dakota.

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## Board Members Receive Awards at Annual Convention

Five school board members were recognized during NDSBA's 2021 Annual Convention Business Session.

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:**

Scott Hunskor, Newburg United

### **Veteran Board Members with**

### **Distinction:**

Rebecca Knutson, Fargo

Robert B. Toso, Jamestown  
**Master Board Members with**  
**Distinction:**

Blaine M. Huff, Kenmare

Steve Halldorson, Devils Lake

Additionally, **Hazen School Board President Sonya Hansana** received the 2021 Barb Norby Scholarship Award.

Sonya has served on the Hazen School Board for the past 17 years. Sonya has also served on Governor Burgum's Innovative Education Task Force and NDSBA's Legislative Committee. She was recently appointed to the Education Standards and Practices Board. Sonya is a graduate of Hazen High School and is dedicated to public education in her community.

The Barb Norby Scholarship Award 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



*Sonya Hansana (right) receives Scholarship Award from Barb Norby.*

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!

## 2021 Election and Delegate Assembly Results

At the election held prior to NDSBA's Delegate Assembly on October 29, the following members were re-elected to serve on the NDSBA Board of Directors: Karl Lembke (Bismarck) – President; Patti Stedman (West Fargo) – Vice President; Lucas Greff (Mott-Regent) – Southwest Director; and Steve Halldorson (Devils Lake) – Northeast Director. Completing the board is Holly Stromsodt (Finley-Sharon) – Past President; Jim Rostad (Minot)

– Northwest Director; and Nathan Berseth (Richland 44) – Southeast Director.

Additionally, the Delegate Assembly readopted three resolutions as recommended by the Government Affairs Committee. The titles of those resolutions are below. Full text can be found at [www.ndsba.org](http://www.ndsba.org).

1. Regional education associations
2. Taxing authority of the state
3. Taxing authority of school boards

## ■ Legal Spotlight

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represent the negotiating unit for the duration of the contract term or until another representative organization is recognized by the board pursuant to the process set forth in statute. This ensures that the parties are able to come back to the table and modify the agreement during the term if necessary.

NDSBA will be updating its Negotiations Basics Handbook in the immediate future to reflect the changes made by SB 2215, particularly those relating to the recognition process. Districts may obtain a copy of the updated Handbook by contacting NDSBA or by attending our Negotiations Seminar in February 2022. In the meantime, please feel free to contact NDSBA for further guidance on this issue.



## NDSBMCP Winter Online Training

North Dakota School Business Manager Certification Program

first-year students may now register for Introduction to Accounting and Introduction to Payroll. This online training is available to both current and graduate students. Graduates of the business manager certification

program will receive a discounted rate and earn 1.5 continuing education credits for each class taken. Interested business managers can learn more about these courses by going to the NDSBMCP website at [www.ndsbmcp.org](http://www.ndsbmcp.org) and clicking on the NEWS tab or by calling the NDSBA office at 1-800-932-8791.



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**2022 Negotiations Seminar**  
February 3-4, 2022  
BSC National Energy Center of  
Excellence, Bismarck

**2022 NSBA Annual Conference &  
Exposition**  
April 2-4, 2022  
San Diego, CA

**Human Resource Collaborative  
Conference**  
April 20-21, 2022  
Ramkota Hotel, Bismarck

**2022 NDSBA Annual Convention**  
October 27-28, 2022  
Ramkota Hotel, Bismarck



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## BoardBook Premier

BoardBook Premier is 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.



# INTRODUCING



Starting November 1, in addition to the benefits member districts receive from legal services through their membership, NDSBA Legal Counsel may now be retained to assist member school districts on a fee-for-services basis.

NDSBA is in a unique position to provide this service to our members at below-market rates through our fee-based program, NDSBA Legal Direct. NDSBA Legal Direct is meant to supplement, not supplant the services provided to our members by our Legal Affiliates.

The following fee-based legal services may be provided through NDSBA Legal Direct:

- **General legal counsel and advice:** NDSBA Legal Counsel may provide direct legal advice and counseling to our member districts on the day-to-day legal issues and situations that arise in school operations. Member districts may receive this direct assistance under an annual subscription or hourly fee arrangement.
- **Contract review:** NDSBA Legal Counsel may be retained to draft, review and/or modify contracts member districts enter into with vendors or other third-party service providers.
- **Negotiated Agreement review:** NDSBA Legal Counsel may be retained to review district Negotiated Agreements. At a member district's request staff will provide a written analysis of the Negotiated Agreement.
- **Customized policy drafting:** NDSBA Legal Counsel may assist member districts to customize school board policies and related regulations to tailor them to districts' needs.
- **Customized training:** NDSBA Legal Counsel is able to provide training and professional development to school boards and/or their staff through specially designed seminars and in-service training.

NDSBA Legal Direct expressly excludes the following services: litigation matters; non-renewal and discharge for cause hearings; matters that may be covered by insurance (NDIRF) or assigned to insurance counsel; matters where another member school district is adverse to the district requesting assistance; and matters where the member district is already represented by legal counsel on the matter.

Please contact NDSBA for more information regarding NDSBA Legal Direct.