



# bulletin



NOVEMBER 2023

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

## 2023 Election and Delegate Assembly Results

The following school board members were recently elected to serve on the NDSBA Board of Directors: Patti Stedman (West Fargo) – President; Lucas Greff (Mott-Regent) – Vice President; Michelle Orton (Dickinson) – Southwest Director; and Marlana Knudson (MayPort CG) – Northeast Director. Completing the board is Karl Lembke (Bismarck) – Past President; Nathan Berseth (Richland 44) – Southeast Director; and Jim Rostad (Minot) – Northwest Director.

Additionally, the Delegate Assembly re-adopted four resolutions as written and re-adopted three resolutions as amended as recommended by the Government Affairs Committee. The resolution titles are below. Full text can be found at [www.ndsba.org](http://www.ndsba.org).



*Michelle Orton, Dickinson School Board, left, and Marlana Knudson, May-Port CG School Board, right, were elected to the NDSBA Board of Directors on October 26, 2023.*

### Resolutions re-adopted as written:

1. Federal Impact Aid Funding
2. Sales and Use Tax Exemptions of School Construction Supplies and Materials
3. Curriculum Content
4. Removing Compensation from Negotiations

### Resolutions re-adopted as amended:

1. Non-Education Funds to Provide for Safety Issues Including School Resource Officers and Health and Nursing Services
2. K-12 Funding
3. Publishing Requirements

## Governor Burgum Appoints Task Force

Governor Burgum recently announced the members of the Task Force for Teacher Retention and Recruitment created through an executive order made in September to address the state’s chronic teacher shortage. The 15-member Task Force consists of Burgum and State Superintendent Kirsten Baesler, or their designees, and 13 members appointed by the governor and representing stakeholders across the education community:

- Patti Stedman, West Fargo School Board President, NDSBA President, and ESPB board member
- Bret Docket, Harvey teacher
- Ashley Seykora, Rugby instructional coach
- Abby DuBord, Bismarck teacher
- Luke Schaefer, CREA CEO
- Robert Lech, Jamestown superintendent
- John Porter, director of the South

Valley and Rural Cass Special Education Units

- James Green, McKenzie County high school principal
- Sherry Tandeski, St. John elementary school principal
- Jenny Bladow, director of teacher education, College of Education & Human Development, UND, and ESPB board member
- Erin Jacobson, coordinator of the Teacher Support System
- State Sen. Dean Rummel, Dickinson
- State Rep. Steve Swiontek, Fargo.

“We’re deeply grateful to these members and all the candidates for their passion and willingness to dedicate their time to this critically important effort to address our state’s teacher shortage,” Burgum said. “Working together, we can identify best practices and policies for retaining and recruiting teachers and ensure they

have the resources and support they need to deliver a world-class education to students across North Dakota.”

The Task Force will conduct stakeholder meetings and roundtable discussions to gather feedback from pertinent stakeholder groups across the state. Members will make recommendations in several areas, including increasing recruitment to the teaching profession, improving teacher preparation programs, teacher licensure, teacher evaluation, working conditions and supports, as well as reviewing compensation and contracts.

A final report with recommendations must be provided to the governor and superintendent by September 30, 2024, and identify partners to sponsor legislation during the 2025 legislative session.



# Legal Spotlight

## Navigating School Expulsion Procedure

by Lexie Bergstrom, NDSBA Staff Attorney

The process of school expulsion is a serious and carefully regulated procedure aimed at maintaining a safe and conducive learning environment for all students. School expulsion is a last resort, typically reserved for severe disciplinary issues that jeopardize the well-being of the school community. Understanding the steps involved in the expulsion process is crucial for school boards, administration, and staff.

North Dakota law requires all school districts adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing before the determination to expel a student is made. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, or disorderly conduct; provided the expulsion does not last beyond the termination of the current school year. Other conduct subject to suspension or expulsion includes but is not limited to: causing damage to or stealing school property, threats of violence, threats to or causing physical injury to others, and possessing and/or being under the influence of any intoxicant. Additionally, a student who violates the school district's weapons policy may be expelled for up to twelve months.

The expulsion process often begins with an incident report filed by school staff or administrators. Based off the report, the school must then conduct a thorough examination to gather evidence and assess the severity of the incident. Before deciding whether or not to expel a student, the school board or its designated hearing officer must provide the student with a hearing. The hearing must be conducted within ten days of the student's suspension. Prior to the hearing, the student and the student's parents shall be provided with notices

of the specific charge(s) against the student, the date of the hearing, and the student's right to be represented and/or assisted at the hearing by a lawyer or other adult at the student's expense. A student's parent or representative must be allowed to participate in the hearing. A parent or guardian who is unable to attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

The intent of the hearing is to determine whether the reasons offered for the proposed expulsion are supported by the evidence. During the hearing, the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. The student may present witnesses or documentary evidence to rebut the charges against them. The hearing shall be closed to the public unless the parent or guardian waives their rights under FERPA in writing. A record of the hearing should be made to substantiate that the required elements of procedural due process were afforded the student.

If, following the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. The designated hearing officer must provide a detailed written explanation of the reasons for expulsion to the student, the parents, the student's counsel, and/or the student's representative. Except when the Board served as the hearing officer, an appeal of the hearing officer's decision may be made to the Board based upon a review of the record of the expulsion hearing. This decision should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. The appeal typically involves presenting new evidence or arguing that due process was not followed

during the initial proceedings.

It's worth noting that during the 2023 legislative session, SB 2284 was signed into law, which clarifies that school district policies must include that expulsion or suspension may be a punishment for possession of a dangerous weapon or firearm on school property or at a school function. The previous law was unclear as to whether school district policies **must include** expulsion and suspension, or whether the punishment **must be** expulsion or suspension. The change codified what school districts were already implementing- using discretion on a case-by-case basis. NDSBA has a required template policy for suspension and expulsion (FFK) that includes expulsion authority, conduct subject to expulsion, and expulsion of students with disabilities. The change in the law did not alter the language in NDSBA's policy.

The school expulsion procedure in North Dakota is a comprehensive and regulated process designed to ensure fairness and transparency. While expulsion is a serious consequence, the system is structured to provide students with opportunities to present their side of the story and seek a fair resolution. Understanding this process is essential for all parties involved to navigate the challenges and ensure a just outcome. Please feel free to contact NDSBA for additional information regarding the expulsion process.



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Follow us at [@ndschooboards](https://twitter.com/ndschooboards) (Twitter) and [North Dakota School Boards Association](https://www.facebook.com/northdakotaschoolboards) (Facebook) for event, policy and other education-related updates.



# Board Members Receive Awards at Annual Convention

Twelve school board members were recognized during NDSBA's 2023 Annual

Convention Business Session.

NDSBA recognizes board members for their professional development and service on two levels: Veteran Board Member and Master Board Member (board members who participate in national meetings earn their certificate "with distinction"). The following twelve individuals received service awards:

### Veteran Board Members

Stephanie Reistad, Divide County  
Douglas Freije, Edmore  
Anita Falcon, Eight Mile  
James Vannett, Nedrose  
Kristin Beck, North Sargent  
Mark Schmidt, Tioga  
Rick Tweeten, Washburn

### Master Board Members

Lee Ann Johnston, Devils Lake  
Rory Hoffmann, Medina

### Master Board Member with Distinction

Rodger Affeldt, Garrison  
Sonia Meehl, Oakes  
Rusty Cain, St. John

Additionally, **Rugby School Board President Dustin Hager** received the 2023 Barb Norby Scholarship Award.

Hager has been a member of the Rugby Public School Board since 2015. He is currently serving his fourth year as board president. He has advocated for resources, programs, and opportunities, enhancing the learning experience and addressing critical issues within their district, including bringing the Be Legendary School Board training to the Rugby School District; actively participating in the legislative committees through NDBSA; seeking a nomination to take part in the Teacher Retention Task Force; helping to pass a successful school referendum of \$11.2 million in 2021 for the Rugby elementary school; and supporting initiatives that have led to National Blue Ribbon School distinction this school year.



*From left to right: Alexis Baxley, NDSBA Executive Director; Stephanie Reistad, Divide County; Lee Ann Johnston, Devils Lake; James Vannett, Nedrose; Rory Hoffmann, Medina; Rodger Affeldt, Garrison; Sonia Meehl, Oakes; and Patti Stedman, NDSBA Board President stand together onstage at the 2023 NDSBA Annual Convention.*

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 board leadership. The scholarship provides registration and an expense allowance to a national conference of their choosing.

Two outgoing members of the NDSBA Board of Directors were also recognized for their time on the board. Northeast Director Steve Halldorson (Devils Lake) served on the NDSBA board of directors since 2018 and on the Devils Lake School Board for 19 years. In that time, he served as president for three years and vice president for four on his local board, was president of his local Regional Education Association, and served on the NDSBA Government

Affairs, Credentials, and Ballot Counting Committees.

Southwest Director Sonya Hansana (Hazen) served on the NDSBA board of directors since 2022, represented NDSBA on the Education Standards and Practices Board, and was a multi-session member of the NDSBA legislative committee. She served her local district, Hazen, for 19 years.

Congratulations to all award winners and thank you for your dedicated board service!



*Dustin Hager, Rugby School District*

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## 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 Amazon 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 2**.



## mark your calendar

### **2024 Negotiations Seminar**

February 1-2, 2024  
BSC NECE, Bismarck

### **2024 COSSBA Annual Conference**

February 22-25, 2024  
Hilton Anatole – Dallas, TX

### **2024 NSBA Annual Conference**

April 6-8, 2024  
Ernest N. Morial Convention Center –  
New Orleans, LA

### **2024 NDSBA Annual Convention**

October 24-25, 2024  
Bismarck Event Center, Bismarck

## NDSBMCP Winter Online Training

The North Dakota School Business Manager Certification Program first-year students will be able to register for the Introduction to Accounting and Introduction to Payroll online courses or test-out options on December 4, 2023. 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.