



bulletin



FEBRUARY 2016

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

Student Physical Privacy Act – 2016 South Dakota HB No. 1008

The South Dakota House of Representatives and the Senate have passed a bill that addresses issues of access, by transgender students, to public school restrooms, locker rooms, and shower rooms.

Every restroom, locker room, and shower room located in a public elementary or secondary school that is designated for student use and is accessible by multiple students at the same time shall be designated for and used only by students of the same biological sex. In addition, any public school student participating in a school sponsored activity off school premises which includes being in a state of undress in the presence of other students shall use those rooms designated for and used only by students of the same biological sex.

“Biological sex” is defined as the **“physical condition of being male or female as determined by a person’s chromosomes and anatomy as identified at birth.”**

If a student, with parental consent in the case of a minor, asserts a gender that is different from the student’s biological sex, the student must be provided with a reasonable accommodation that does not impose an undue hardship on a school district. Examples of reasonable accommodations include a single-occupancy restroom, a unisex

restroom, or the controlled use of a restroom, locker room, or shower room that is designated for use by faculty. Reasonable accommodation may not include the use of student restrooms, locker rooms, or shower rooms designated for use by students of the opposite biological sex, if students of the opposite biological sex are present or could be present.

An earlier version of the bill would have directed the South Dakota Attorney General to represent a public school district, should it face a lawsuit while complying with the state law. It also provided that any financial repercussions incurred by a district as a result of a lawsuit on this matter would be the responsibility of the State of South Dakota. The hold harmless clause was removed and the bill was passed by the House of Representatives 58-10. On February 16, 2016, the bill was passed by the Senate 20-15 and has been sent to the Governor’s desk. A similar bill (S.B. 720) has also been introduced in the Missouri General Assembly.

Guidance issued by the United States Department of Education Office for Civil Rights (OCR) in 2014 stated that:

Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.

The State of Elementary and Secondary Education – 1900 and 2016

Recently, teacher recruitment and retention issues have garnered attention in virtually every state. However, the struggles to find competent young people willing to become teachers, the struggles to find acceptable levels of compensation, and the struggles to provide a professional work environment are not new to the 21st Century. One hundred and fifteen years ago, Principal W.O. Riddell of Des Moines West gave his presidential address to the Iowa State Teachers’ Association. The following are excerpts from that address.

The country schools suffered most from the shortage of qualified teachers, but the town and city schools were also hurt. School boards in the cities and larger towns generally sought to employ teachers with first-grade certificates and successful teaching experience . . . [H]owever . . . the supply of such teachers fell short of the demand . . . The cities and larger towns were able to compete successfully for the limited number of highly qualified teachers available by paying higher salaries than the country schools could afford, providing better buildings and equip-

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Election Deadlines

North Dakota election laws are specific regarding dates and deadlines. Relevant election law is found in NDCC Chapter 15.1-09. Election deadline information and a sample calendar were included in the January *Bulletin* and are posted on NDSBA’s website at www.ndsba.org under “Quick Clicks.”

Superintendent Evaluations

North Dakota law requires that a school board complete the superintendent’s evaluation before **March 15**. A sample evaluation is available online at <http://ndsba.org/Resources/ResourcesIndex.asp>.



Private School Choice Options Continue to Expand Across the Country

It's been 26 years since Wisconsin became the first state in the country to offer government funded private school vouchers. By the end of 2010, seven states plus the District of Columbia had school voucher programs. In addition, seven states had scholarship tax credit programs where students receive private school scholarships from nonprofit organizations that receive donations from individuals and corporations. Donors receive a state tax credit in exchange for their donation. In total, there were 12 states that offered at least one of these two private school choice options at the end of 2010. Approximately 190,000 students were served.

Five years later, these numbers have more than doubled. The 2016 legislative season begins with 27 states offering private school choice options to parents. Nearly 400,000 students are currently being served. This includes 13 states plus the District of Columbia that provide private school vouchers to qualifying students, 16 states that

have scholarship tax credit programs, and five states with education savings accounts (ESAs)—a new form of school choice that allows parents to use their scholarship funds for a variety of educational services including private school tuition, textbooks, and tutoring.

Most private choice programs are designed to specifically target traditionally underserved students. Disagreement exists among policymakers and researchers, however, about the extent to which private school choice programs are serving underserved students at the same level as the public school system or at the level that advocates have promised.

Private school choice policies invoke a full spectrum of emotions. Disagreements about the effect these programs have on academic performance, the appropriateness of funding religious private schools, and the shifting of education dollars away from public school systems make for impassioned committee hearings and floor debates anytime legislation on private school choice is being considered.

But, the fact remains, with more than a dozen states having already introduced legislation to create or expand private choice programs in the opening weeks of the 2016 legislative session, this has grown from being a fringe policy idea to a mainstream education reform.

Reprinted in part from Cunningham, Josh, "Private School Choice: From Fringe to Mainstream."

Mr. Cunningham is an NCSL Senior Education Policy Specialist.

STATE OF EDUCATION

Continued from page 3

ment, and offering cultural and recreational advantages that were not available in the rural districts.

The shortage of skilled teachers . . . reflected the transient character of teaching at the time. Deficient in money, power, status, and security, teaching did not hold out the rewards that were necessary to induce ambitious young men and women to make a career of teaching. Most teachers regarded teaching as a stepping stone, a temporary occupation to be pursued only until they were able to find something better.

Teachers dropped out of teaching for a variety of reasons. Many female teachers opted for marriage. Many teachers gave up teaching because of its chronic insecurity. Teachers were always exposed to the dictates of school boards and the vagaries of popular opinion.

. . . [T]eachers were not only vulnerable and insecure; they were also poorly paid. . . . [T]eachers, male or female, could not support themselves, let alone families, on such meager incomes. When it is considered that the commonest unskilled laborer receives . . . [a similar] annual wage . . . the absurdity of this pay for teachers, who have spent much time and money in preparation for their work, becomes painfully apparent . . .

Johnson, Keach, "The State of Elementary and Secondary Education in Iowa in 1900." *The Annals of Iowa* 49 (1987)

bulletin

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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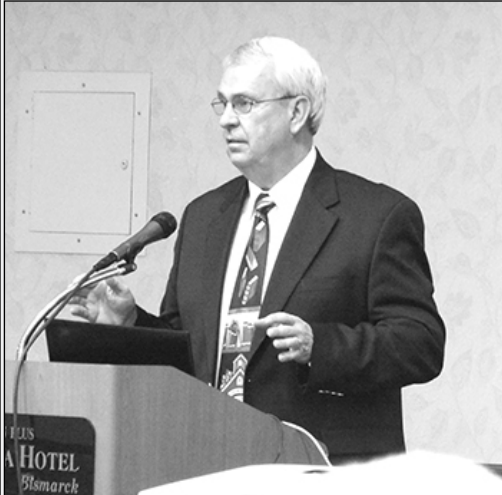


The North Dakota School Business Manager Certification Program is now accepting applications for new students to begin courses this summer. Application forms are available online at <http://ndsbmcp.org/handbooks-and-forms/> and will be accepted until April 29, 2016. Enrollment is limited to the first 40 students. For more information on the program, including cost of tuition, prospective students may download a program brochure at <http://ndsbmcp.org/handbooks-and-forms/>. Please contact alyssa.martin@ndsba.org regarding the program.

2016 Negotiations Seminar



Attendees at the Negotiations Seminar



Dan Martin with Rocky Mountain Evaluations discusses the new online superintendent evaluation that is now available from NDSBA at the early bird session



Andy Sever, Director of Labor Relations with the Montana School Boards Association, presents a session on bargaining practices and strategies used by unions



Panel with NDSBA state board members Mike Lautenschlager (Lewis & Clark), Ben Auch (Mott-Regent), Lawrence King (Bismarck), Greg Allen (Jamestown), and Jim Johnson (Fargo)



Mohall/Lansford/Sherwood School District

Contact: Jon Martinson
(701) 255-4127

Email: jon.martinson@ndsba.org

Application: www.ndsba.org

Position begins: July 1, 2016

Deadline: February 29, 2016

Bowman County School District

Contact: Jon Martinson
(701) 255-4127

Email: jon.martinson@ndsba.org

Application: www.ndsba.org

Position begins: July 1, 2016

Deadline: February 29, 2016

New Salem-Almont School District

Contact: Jon Martinson
(701) 255-4127

Email: jon.martinson@ndsba.org

Application: www.ndsba.org

Position begins: July 1, 2016

Deadline: February 29, 2016

Manvel School District

Contact: Mary Sorvig
(701) 696-2212

Email: mary.sorvig@manvelk8.com

Position begins: July 1, 2016

Deadline: April 6, 2016

National Trends in Pre-K Funding

A report issued by the Education Commission of the States indicates that for the fourth year in a row, both Republican and Democratic policymakers are making significant investments in state-funded pre-k programs. In the 2015-16 budget year, 32 states and the District of Columbia raised the funding levels for their pre-k programs and 8 states decreased their pre-k funding. Overall, state funding of pre-k programs across the 50 states and the District of Columbia increased by nearly \$755 million, or 12 percent over 2014-15.

The Every Student Succeeds Act (ESSA) also increases funding for early childhood education through Title I funding, Title II funding, and Preschool Development Grants. The Preschool Development Grant program will allocate \$226 million to expand access to high-quality pre-k slots for low-income families.

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2016 NDSBA Annual Convention

October 27-28, 2016

Ramkota Hotel, Bismarck

2017 NDSBA Annual Convention

October 26-27, 2017

Ramkota Hotel, Bismarck