



# bulletin



MARCH 2016

*Excellence in North Dakota public education through local school board governance* ■ VOL XLI ISSUE 3

## Use of the New Caucus Law

The 2015 Legislative Assembly passed a law that gave negotiating committees the right to go into executive session (“to caucus”) for the purpose of discussing negotiating strategies, without having teachers, their representatives, the press, or other members of the public present in the room. In order to use the law, however, there are certain steps that must be followed.

1. The negotiating committee must convene in an open session that has been duly noticed as to:
  - Date, time, and location;
  - Topics to be considered, if practicable; and
  - General subject matter of any executive session (“caucus”) expected to be held during the meeting.
2. One member of the negotiating committee must make a motion to hold an executive session (“to caucus”), another member must second the motion, and the negotiating committee must pass the motion by a majority vote.
3. The negotiating committee must announce that the purpose of the executive session (“caucus”) is the discussion of “negotiating strategies,

as permitted by NDCC section 15.1-16-22.”

4. The negotiating committee must record the executive session (“caucus”). Minutes of the executive session (“caucus”) are not required. However, the minutes of the *open* session must indicate:

- Names of the negotiating committee members who attended the executive session (“caucus”);
- Date and time that the executive session (“caucus”) was called to order and adjourned; and
- Purpose of the executive session (“caucus”) – i.e., to discuss “negotiating strategies, as permitted by NDCC section 15.1-16-22.”

“Negotiating committee” means the group of individuals selected by a school board to represent the board in contract negotiations, such as those with the teachers. A negotiating committee may include some school board members and often includes non-school board members such as a business manager, a human resources director, a consultant, etc.

## Student Physical Privacy Act - 2016 South Dakota HB No. 1008 - Update

Last month the *Bulletin* reported that both the South Dakota House of Representatives and the Senate had passed a bill that addressed issues of access by transgender students to public school restrooms, locker rooms, and shower rooms. Despite vote counts of 58-10 in the House and 20-15 in the Senate, the Governor vetoed the bill. In his veto message, Governor Dugaard stated that by seeking to impose statewide standards on every restroom, locker room, and shower room located in public elementary or secondary schools, the bill would have in effect removed “the ability of local school districts to determine the most appropriate accommodations for their individual students . . . .” He also added that the bill would have placed “every school district in the difficult position of following state law while knowing it openly invites federal litigation.”

The Governor reiterated the importance of preserving local control, articulated his belief that local school officials are best positioned to address such situations when they arise, and reminded all constituents that “***the best government is the government closest to the people.***”



## NDSBA Nonrenewal and Contract Termination Online Training

NDSBA is now offering online training on contract termination for teachers, principals, and associate/assistant superintendents, including training on nonrenewals, resignations, and discharge. The training includes access to six videos with over two hours of content and access to the updated NDSBA Nonrenewal Handbook. The cost of the training is

\$175 per district and an invoice can be downloaded under “Quick Clicks” at [www.ndsba.org](http://www.ndsba.org). For districts only wanting access to the updated NDSBA Nonrenewal Handbook, it is available free of charge on the NDSBA Policy Services website under “Resources” or by contacting the NDSBA office.

# U.S. Department Of Education Budget Request

On Thursday, March 10, 2016, the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing to review the FY17 budget request for the U.S. Department of Education. The newly appointed Secretary of Education, John B. King, Jr., testified before the subcommittee. The budget request for programs entitled *Advancing Equity and Excellence for All Students* included the following:

- \$15.4 billion for Title I Grants to local educational agencies to ensure that all students, including low-income students, students of color, students with disabilities, and English learners, graduate from high school prepared for college and careers;
- \$12.8 billion for the Individuals with Disabilities Education Act (IDEA) Formula Grant Programs, to assist states in providing high-quality early intervention services to children from birth through age three and to help states cover the excess costs of providing special education and related services to children from age

3 through 21;

- \$1.3 billion to expand access to high-quality preschool for all children from low and middle income families, \$75 billion over 10 years for the Preschool for All proposal, \$350 million for the reauthorized Preschool Development Grants program, and \$800 million for English Language Acquisition formula grants;
- \$120 million to fund a new Stronger Together program, which would support voluntary efforts by one or more school districts, guided by strong community input, to increase socioeconomic diversity in their schools;
- \$128 million for Promise Neighborhoods;
- \$2 billion in mandatory funding in FY17 and \$4 billion over three years for expanding student access to computer science instruction;
- \$138 million for more vigorous enforcement of civil rights laws by the Office for Civil Rights; and
- \$500 million for the Student Support and Academic Enrichment block grant, which is designed to expand course offerings in areas, such as STEM and the arts, and to bolster student achievement through mentoring or school counseling and expanded digital learning opportunities.

The budget request also included the following proposals for programs designed to expand *Support for Teachers and School Leaders*:

- \$1 billion for RESPECT: Best Job in the World, to redesign approximately 200 high-need schools into the best places to advance a career in education and thereby attract and retain talented and effective teachers and school leaders; and
- \$525 million for programs that address preparation, development, and retention of teachers and school leaders, including a new \$125 million Teacher and Principal Pathways program, which would make competitive grants to institutions of higher education and other nonprofit entities to support the creation and expansion of high-quality teacher

and principal preparation programs. The administration also proposes to streamline and expand current postsecondary assistance programs that are available to teachers and provide up to \$25,000 in loan forgiveness for serving in a high-needs school.

The FY17 discretionary budget request for the Department of Education is \$69.4 billion, which is a \$1.3 billion, or 2% increase over FY2016.



## Business Manager Certification Program

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](mailto:alyssa.martin@ndsba.org) regarding the program.

## bulletin

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## superintendent vacancies

### Manvel School District

Contact: Mary Sorvig • (701) 696-2212

Email: [mary.sorvig@manvelk8.com](mailto:mary.sorvig@manvelk8.com)

Position begins: July 1, 2016

Deadline: April 6, 2016

### Mohall/Lansford/Sherwood School District (Position Re-Opened)

Contact: Jon Martinson • (701) 255-4127

Email: [jon.martinson@ndsba.org](mailto:jon.martinson@ndsba.org)

Position begins: July 1, 2016

Salary: \$85,000-\$95,000

Application: [www.ndsba.org](http://www.ndsba.org)

Deadline: April 7, 2016

### Sargent Central School District, Forman

Contact: Jon Martinson

(701) 255-4127

Email: [jon.martinson@ndsba.org](mailto:jon.martinson@ndsba.org)

Position begins: July 1, 2016

Salary: Starting at \$90,000 with an award for experience to be negotiated

Deadline: April 8, 2016



# from the director's chair

■ by Jon Martinson, NDSBA Executive Director

## With Opportunity Comes Responsibility: The Shift From NCLB To ESSA

When the Elementary and Secondary Education Act (ESEA) was reauthorized in 2002 and renamed the “*No Child Left Behind Act*” (NCLB), its general purpose was to ensure that all children would have a fair, equal, and significant opportunity to obtain a high quality education and to reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.

NCLB had multiple components including one that dealt with the preparation, training, and recruitment of high quality teachers and principals. Commonly known as “Title II,” its specific purpose was to “increase student academic achievement through **strategies** such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools.”

One of those strategies was the requirement that certain teachers be “highly qualified.” That meant teachers needed to be licensed, hold at least a bachelor’s degree, and demonstrate subject matter knowledge and teaching skills by passing a rigorous state test, or obtain an academic major, major equivalency, or graduate degree in the course/courses being taught. It was with great consternation that the teaching profession came to accept even these minimal standards.

As readers know, last fall Congress reauthorized ESEA and replaced NCLB with the *Every Student Succeeds Act* (ESSA). Among the shortcomings of NCLB were the excessive federal intrusion in education policy, overreach by the U.S. Department of Education, excessive testing and stifling of teacher creativity and innovation in the classroom, and the flawed “Adequate

Yearly Progress” component that required a statistically impossible goal of requiring 100 percent of students to be proficient by 2014.

The ESSA breathes fresh air into education policy by returning responsibility for the quality of K-12 education

to the states. While this shift in responsibility provides each state with significant opportunities to improve K-12 education, it also creates opportunities for states to **reduce** expectations, thereby minimizing quality and accountability.

For example, one such area that would be easy to reduce quality and standards is that of teacher qualifications. ESSA has removed all references to “highly qualified” teachers and simply refers to “effective” teachers. This new federal law does not, however, define an “effective” teacher.

In response to states now being required to develop a plan that ensures all students are taught by effective teachers, State Superintendent Kirsten Baesler said, “It will now be up to North Dakota to decide what defines an effective teacher and what metrics will be used to contribute to that determination. The Department of Public Instruction is currently studying the issue, gathering information on best practices, and seeking input from North Dakota teacher education colleagues, and the North Dakota Education Standards and Practices Board.” Superintendent Baesler will also seek input from the NDSBA and other state education associations.

Dr. Janet Welk, Executive Director, Education Standards and Practices Board, said the board is in the process of reviewing all the NCLB-era educator licensure laws for North Dakota. Dr. Welk said, “While ESSA does mandate states to identify effective teachers through the evaluation process, the board does not believe the “effective” definition will be attached to licensure at the state level. It will probably be defined at the local level.”

North Dakota must continue to insist on the highest levels of quality in our teacher corps. However, with a looming teacher shortage continuing to face many school districts, it is important that

North Dakota also be flexible enough to recognize that quality teaching can take many forms and that an effective teacher can come from many walks of life. We must not automatically and systematically limit our teaching corps to only those who have graduated from a college of education.

## Teacher Licensure Flexibility In Wisconsin

In 2015, the Wisconsin Legislature created an experience-based licensure process for those who taught technical education subjects. On March 8, 2016, Wisconsin’s Governor Scott Walker signed a bill that expanded “experienced-based” teaching licenses to include vocational education teachers in non-core subjects such as agriculture, child services, clothing services, food services, housing and equipment services, family and consumer education, family and consumer services, home economics related occupations, health care related occupations, business education, and marketing education.

Senate Bill No. 449 requires the issuance of a three-year initial teaching license to an applicant who passes a background check, earns a minimum score on a point system created under the bill, and agrees to complete a curriculum determined by the board of the employing school district. Points are assigned for both experience in a vocational field and pedagogical experience. An applicant must score a minimum of 25 points in each of the two categories and must earn a total score of at least 100. Upon expiration of the initial teaching license, the Department of Public Instruction must issue a professional teaching license, provided the individual successfully completed the curriculum agreed to for initial licensure. Successful completion is determined by the employing school board.

School boards in Wisconsin found themselves dealing with a critical shortage of vocational education teachers and pushed for the added flexibility in order to avoid having to discontinue courses that prepared students for work or for additional training at the state’s technical schools.

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## HR Conference For Local Government



The HR Collaborative for Local Government is pleased to announce that registration is NOW OPEN for the 4th Human Resources Conference for Local Government.

Eighteen breakout sessions will provide a range of technical, practical and inspirational ideas to address human resource issues in both small and large governments.

One important breakout session will cover how to use the HR Reference Guide and other key resources in the state. The HR Reference Guide has been updated, including all the new federal and state requirements. This key resource for supervisors, policy makers, employees, and managers is the “go-to” manual to answer human resource questions.

A link to download the guide can be found at [www.ndaco.org](http://www.ndaco.org).

To register for the conference and view the full agenda visit <http://www.ndaco.org/hrconference>



**mark** your calendar

### **2016 NSBA Annual Conference**

April 9-11, 2016  
Boston, MA

### **2016 NDSBA Annual Convention**

October 27-28, 2016  
Ramkota Hotel, Bismarck

### **2017 NDSBA Annual Convention**

October 26-27, 2017  
Ramkota Hotel, Bismarck