Election Results

At the election held on Friday, October 28, the following members were elected to serve on the NDSBA Board of Directors:

Jim Johnson (Fargo) – President

Mike Lautenschlager (Lewis & Clark, Berthold) – Vice President

Roger Johnson (Kenmare) – Northwest Director

Karl Lembke (Bismarck) – Southwest Director

Patti Stedman (West Fargo) – Southeast Director

Jim Rostad (Minot) – Past President

Holly Stromsodt (Finley-Sharon) – Northeast Director

Completing the NDSBA board are the following:

Resolutions Passed by NDSBA Delegate Assembly

The Delegate Assembly voted on proposed resolutions during this year’s Annual Convention. Below are resolutions adopted by delegates at the business meeting on October 28.

RESOLUTIONS READOPTED AS WRITTEN

STATE AID FOR GROWING SCHOOL DISTRICTS

NDSBA shall support legislation that modifies the Foundation Aid Program to allow the use of fall enrollment to provide adequate state support to districts with increasing enrollment.

STATE TECHNOLOGY INFRASTRUCTURE MAINTENANCE AND OPERATION

NDSBA believes the cost of maintaining, supporting, and enhancing this system should continue to be financed with state dollars and there should be no transfer of the cost associated with this network back to the local school districts.

BUSINESS MANAGER CERTIFICATION PROGRAM

School boards support the Business Manager Certification Program by providing financial support through the use of school district funds to encourage business managers to participate in this voluntary professional development opportunity.

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NSBA 2017 Annual Conference Registration and Housing

The NSBA Annual Conference and Exposition will be held March 25-27 in Denver, Colorado.

Join us in Denver for a robust offering of over 250 educational programs including three inspirational general sessions that will give you new ideas and tools to help drive your school district forward.

Conference registration and housing reservations are now open. Register online at www.nsba.org/conference.
North Dakota Assessment Task Force Completes Work

The North Dakota Assessment Task Force was convened by Superintendent Kirsten Baesler last fall to provide input regarding the selection of a new state assessment system. The 33-member task force included teachers, administrators, parents, home educators, legislators, business representatives, and technology and assessment specialists. Over the course of seven meetings, the task force developed recommendations in seven areas.

Administration and Item Type

A "hybrid" state assessment should be considered in order to allow for the inclusion of previously developed items and items unique to North Dakota. This was deemed to allow educator input while maintaining control of expenses associated with item development.

The assessment should utilize a combination of multiple choice questions and constructive response questions which call for a combination of short, medium, and lengthy responses. Constructive response questions are designed to measure a student’s critical thinking and problem solving skills.

Comparability

The state assessment should allow for achievement comparisons at the school and district levels, across the state, and for comparisons with other states.

Test Length

The state assessment should be limited to a maximum of six hours. The current state assessment is about eight hours in length.

Standards Alignment

The recommendation in this area was split. Some task force members supported having the assessment based on state content standards. This would allow for a determination of a student’s knowledge over a range of grade levels. Others preferred an assessment that was specifically aligned to state content standards at each requisite grade level.

Reporting of Results

The task force strongly recommended that results be made available within a month of the assessment’s final administration.

Accommodations

The task force supported accommodations for students with special learning needs. As for providing the assessment in languages other than English, the task force had no objection but recognized that there is a limit on how many alternatives could be provided at a reasonable price.

High School Assessments

The Every Student Succeeds Act (ESSA) allows school districts, within certain parameters, to utilize a self-selected high school assessment, rather than the state assessment. Again, the task force was not in agreement on this topic. Howard, if this were to be permitted in North Dakota, the task force suggested that the superintendent ensure comparability of scores with other districts.

Superintendent Baesler has indicated that the new state assessment system will be selected in 2017 and utilized beginning in the spring of 2018.

U.S. Department of Education Provides Guidance on New ESSA Requirements for Consultation with Tribes

On September 26, 2016, the U.S. Department of Education issued a “Dear Colleague” letter offering guidance on a new requirement under section 8538 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). The requirement directs school districts to consult with Indian tribes, prior to submitting a plan or application for covered programs, if American Indian students make up at least 50 percent of the district’s student enrollment or if the district received more than $40,000 as an Indian education formula grant under Title VI in the previous fiscal year.

When do the consultation requirements begin?

Consultation requirements under section 8538 begin with the plans or applications for fiscal year (FY) 2017 formula grant funding or for the 2017-2018 school year.

Which programs are subject to the consultation requirements?

Affected districts must consult with Indian tribes before submitting plans or applications for the following programs:

- Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
- Title IV, Part A (Student Support and Academic Enrichment Grants)
- Title IV, Part B (21st Century

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When may a school board go into an executive session?

The North Dakota Constitution states that, unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state . . . shall be open to the public. The law provides for certain limited instances in which school board meetings, or portions thereof, are not open to the public. These are referred to as “executive sessions.” Unless the board is involved in the nonrenewal, suspension, or discharge of a teacher, principal, associate or assistant superintendent, or the superintendent, executive sessions are permitted only for the following circumstances:

• Discussion of a student’s educational record (unless the executive session is waived by the student if age 18 or by the student’s parent);
• Discussion of closed or confidential records; and
• Discussion of negotiating strategy or the provision of negotiating instructions to the board’s attorney or other negotiator regarding litigation, adversarial administrative proceedings, or contracts, which are currently being negotiated or for which negotiation is reasonably likely to occur in the immediate future, and only if an open meeting would have an adverse fiscal effect on the bargaining or litigating position of the board.

What are the steps that a board must take to go into an executive session?

Once it is established that a board may meet in an executive session, certain steps must be followed.

Step 1: Convene in an open session preceded by public notice.
Step 2: Pass a motion to hold an executive session (unless a motion is unnecessary because a confidential meeting is required).
Step 3: Announce during the open portion of the meeting the topics to be considered during the executive session and the legal authority for holding an executive session on those topics.
Step 4: Limit the topics considered during the executive session to the announced, authorized topics.
Step 5: Take final action on the topics considered in the executive session during the open portion of a meeting.

Must an executive session be recorded?

Executive sessions must be recorded on audio or videotape and except in rare instances, such as a court order or a review by the Attorney General, those recordings may not be disclosed.

Must minutes of an executive session be taken?

It is not necessary to prepare and keep minutes of the executive session. However, the minutes of the open meeting during which an executive session was held must:

- Identify names of board members who were in attendance at the executive session;
- Indicate date and time that the executive session was called to order and adjourned;
- Include a summary of the general topics that were discussed or considered so long as doing this does not disclose any confidential information; and
- Include the legal authority for holding the executive session.

Jim Vendsel Receives Barb Norby Scholarship

Jim Vendsel, board president of the Mohall-Lansford-Sherwood School District, received the 2016 Barb Norby Scholarship Award at the NDSBA Annual Convention on October 27, 2016. Jim was elected to his local board in 2005. During the past 11 years, he has served as president for eight years. During his 11 years on the board, he has never missed a board meeting!

Jim was involved in the formation of the Mohall-Lansford-Sherwood School District. That process involved the closure of school buildings in Lansford and Sherwood and having all students from the three communities attend school in Mohall. It’s important to note that Jim’s home is in Lansford.

He has been a strong leader during remodeling and new construction projects for the school district. The $1.3 million project was built with existing funds and no bond measure was required. Jim has been a wonderful ambassador for doing what is right for the students and taxpayers.

In addition to his service on the school board, Jim is active in his community. Congratulations Jim!
New ESSA Requirements  
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- Community Learning Centers
- Title V, Part B, subpart 2 (Rural and Low-Income School Program)
- Title VI, Part A, subpart 1 (Indian Education Formula Grants to Local Educational Agencies)

**When should the consultations take place?**

Affected districts should conduct their consultation in advance of making significant decisions regarding their plans or their applications for covered programs to ensure an “opportunity for appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to a district’s plan.”

**What constitutes “meaningful consultation”?**

In order to ensure that consultation is meaningful, school districts should create an opportunity for tribes to provide input and feedback on district plans for any covered program. This could include providing the tribes with a list of issues or questions or even draft plans in advance of the consultation. The consultation should take place before a district makes a final decision on significant and substantive issues related to the content of the plans. In addition, a district should consider providing written responses to any input received by the tribes and explain how the input was considered.

**2017 NDSBA Negotiations Seminar**
February 9-10, 2017
Ramkota Hotel, Bismarck

**2017 NSBA Annual Conference**
March 25-27, 2017
Denver, CO

**2017 NDSBA Annual Convention**
October 26-27, 2017
Ramkota Hotel, Bismarck