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SEPTEMBER 2016

Excellence in North Dakota public education through local school board governance ■

VOL XLI ISSUE 9

2016 NDSBA School Law Seminar - Thursday, October 27

NDSBA invites school board members, superintendents, business managers, school staff, agency staff, and public and private sector attorneys to attend the 2016 NDSBA School Law Seminar. The seminar will begin at 8:00 a.m. with a presentation by **Erin Gilsbach** entitled *Immigration and Education: What school districts need to know about the laws regarding new citizens, non-citizens, and English language learners.*

Ms. Gilsbach is a frequent presenter at state and national level conferences on education and education law. She is an attorney and the Director of Professional and Policy Development at the Pennsylvania-based law firm of King, Spry, Herman, Freund, & Faul. She is also a founding member of the Greyfriars Institute, a nonprofit affiliate entity dedicated to providing quality professional education in the area of school law to teachers and school administrators.



Erin Gilsbach

Ms. Gilsbach provides legal representation and professional development to more than 150 Pennsylvania schools. She began her career as a public high school English teacher and has served in the

Pennsylvania Department of Education's Office of Chief Counsel. She is currently serving as President-elect of the Pennsylvania School Board Solicitors Association.

North Dakota Labor Commissioner **Troy Seibel** will discuss emerging issues in the field of education-related human resources, including matters ranging from the United States Department of Labor's new overtime rule to the significant rise in retaliation claims being brought by employees. With school districts facing many of the same workplace challenges as the private sector, Commissioner Seibel encourages you to bring your questions!



Troy Seibel

Seibel is a native of Minot. He holds a baccalaureate degree in political science from the University of North Dakota and a Juris Doctor degree from the University of Denver. He worked in private practice for 11 years and has served as an assistant attorney general. In 2014, he was appointed to oversee the North Dakota Department of Labor and Human Rights, which is responsible for the enforcement and education of the state's labor, human rights, and housing laws.

Seminar attendees will have a chance to hear from Mari Fridgen, Assistant Director of the Education Standards and

Practices Board, regarding licensing, endorsements, and credentialing options for teachers and administrators and also from a representative of North Dakota Juvenile Court Services regarding the operational side of the juvenile justice system and ways in which the juvenile justice system and the educational system can work together to provide students with the best opportunities for success.

Robin Tschider, Special Education Regional Coordinator, North Dakota Department of Public Instruction, will help attendees better understand the complexities often associated with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

Rachel Bruner-Kaufman and Meredith Vukelic, attorneys with the Pearce & Durick Law Firm, Bismarck, will serve as co-presenters for a segment entitled *Laying the Groundwork for a Successful Nonrenewal or Discharge.*

The seminar will conclude with NDSBA General Counsel Anita Thomas presenting a brief overview of education issues likely to surface in the 2017 Legislative Session.

Registration forms and the complete schedule are available at www.ndsba.org. Check-in begins at 7:00 a.m. and a continental breakfast will be available at that time. Come early to avoid the long lines!

Welcome New Board Members!

Congratulations to all newly elected board members and welcome to your first issue of NDSBA's *Bulletin*!

As new school board members you will be exposed to many issues and concerns that may or may not be district related, but the board must remain focused on a common goal: promoting student achievement.

We hope you will be able to join us at the New Member Seminar on Thursday, October 27, held in conjunction with the NDSBA Annual Convention. It will give you a great start to your school board service. Check with your business manager for more information and get registered today!

Governmental Affairs Committee Resolutions Report

NDSBA's Governmental Affairs Committee (GAC) met on August 17 to act on resolutions for consideration by the Delegate Assembly at the Annual Convention. Participating committee members were: Greg Allen, Chair (Jamestown); Dianne Hensen (Glenburn); Jim Johnson (Fargo); Lawrence King (Bismarck); Mike Lautenschlager (Lewis & Clark); and Don Nygaard (Finley-Sharon).

Resolutions remain as standing resolutions for four years unless significant legislative or staff action prompt an earlier review. At the end of four years, they are dropped unless readopted by the Delegate Assembly. There were no new resolutions submitted by the deadline. Following are recommendations of the GAC:

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION 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.

COLLECTIVE BARGAINING. NDSBA shall oppose legislation mandating school boards to collectively bargain with employees other than those currently required by 15.1-16-01: "... public school employee(s) licensed to teach by the ESPB or approved to teach by the ESPB and employed primarily as a classroom teacher."

POSTING OF BILLS IN AN ALTERNATE FORMAT. NDSBA shall support state law changes to allow school districts the flexibility to post their bills using an electronic format such as the district's website.

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS AMENDED STATE FUNDING OF SPECIAL EDUCATION AND GIFTED AND TALENTED PROGRAMS. NDSBA supports the state ensuring program funding equity and full funding of special education costs to districts including gifted and talented education and to provide a permanent mechanism for the distribution of any surplus special education dollars.

SCHOOL LUNCH PROGRAM. NDSBA shall work with the North Dakota Department of Agriculture and the ~~North Dakota State Legislature, the North Dakota Department of Public Instruction, and the North Dakota Congressional Delegation~~ to encourage the USDA to amend their federal regulations related to the School Lunch Program, School Breakfast Program, and "a la carte" food sales to allow for local control.

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED TO BE DROPPED

ALTERNATIVE COMPENSATION. NDSBA shall support legislation that provides school districts with separate and additional funding that encourages development of alternative compensation models that reward teaching practices that support measurable academic achievement for all students.

PERMANENT MECHANISM TO DISTRIBUTE SURPLUS SPECIAL EDUCATION DOLLARS. NDSBA shall support efforts to develop an appropriate funding level and provide a mechanism to distribute monies earmarked for special education back to school districts for which it was intended.

RESOLUTION THAT HAS HAD SIGNIFICANT LEGISLATIVE ACTION AND RECOMMENDED TO BE DROPPED

INFORMATION ABOUT JUVENILE OFFENDERS. NDSBA will seek legislation that requires juvenile authorities to inform the principal or other appropriate administrator of a school where a juvenile is or will be enrolled if school attendance is a condition of disposition.



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Convention Sleeping Rooms

If you have sleeping rooms reserved at the Ramkota Hotel for the 2016 NDSBA Annual Convention, you must give them a specific name for each reserved room **by October 5** or the rooms will be released.

Contact Ramkota Hotel reservations at (701)258-7700.

NDSBA Urges a NO Vote on Measure No. 2

Oppose the Raid on the Foundation Aid Stabilization Fund

The Foundation Aid Stabilization Fund, a constitutional fund established by the citizens of North Dakota exclusively for K-12 education, is in jeopardy.

The Foundation Aid Stabilization Fund was approved by the voters of North Dakota in 1994. Its purpose was to offset any reductions to K-12 education when the state experiences a revenue shortfall. Only the Governor was given the authority to transfer money from this fund to the state's general fund.

Now, legislators want to spend this money too. **The NDSBA Board of Directors voted unanimously to oppose this ballot measure.**

Due to North Dakota's revenue shortfall this year, the Governor twice made across-the-board budget cuts to state agencies. School districts did not suffer a cut because there were dollars available in the Foundation Aid Stabilization Fund:

- In February, \$71,758,143 was transferred to support K-12 education
- In August an additional \$44.3 million was transferred to support K-12 education

The total amount transferred from the fund this year alone was over \$116 million.

The fund is working exactly as the people had intended, i.e., as a safety net for K-12 education during a state budget cut. However, the Legislative Assembly placed a constitutional measure on the November ballot asking for your permission to raid this fund.

Following is language in the ballot measure that is the most troubling:

Whenever the principal balance of the foundation aid stabilization fund exceeds **fifteen percent** of the general fund appropriation for state aid to school districts for the most recently completed biennium, as determined by the office of management and budget, the **legislative assembly** may appropriate or transfer any excess principal balance. Such amount may be used for **education-related purposes**, as provided by law.

This measure would do the following:

- Reduce the K-12 savings account to all but 15 percent of the money it takes to finance K-12 education
- Allow the Governor to access even the remaining 15 percent
- Allow the Legislative Assembly to spend these dollars for any "education-related purpose." That could include anything related to higher education and any creative or imaginative idea the Legislative Assembly could possibly tie to education—even a road through a community that just happens to end up at the school parking lot.

If this measure passes in November and the 2017 Legislative Assembly spends down the fund to the 15

percent (which they will), there will be significantly less money to transfer to K-12 education for a "rainy day" in the future. It's a short-

sighted measure with the sole purpose to allow legislators an opportunity to raid this fund to help them balance the 2017-19 biennial budget.

Supporters of the measure will argue that when the state's economy turns around and oil prices rise, the Foundation Aid Stabilization Fund will again be replenished. Even if that were true, the Legislative Assembly will retain their authority to spend all but that 15 percent. And spend it they will. Once K-12's savings account is gone, it's gone for good and this ballot measure provides the means, motive, and opportunity for that to happen.

Let's defeat this measure in November and begin to think creatively about how Foundation Aid Stabilization Funds could be used to assist K-12 with some big issue concepts via a different ballot measure in the future—a measure tailored to K-12 needs. For example, North Dakota has a teacher shortage. Superintendent Baesler's Task Force on Educator Recruitment and Retention is discussing both a loan forgiveness program and a scholarship program as an effort to recruit college students into

“Once K-12's savings account is gone, it's gone for good and this ballot measure provides the means, motive, and opportunity for that to happen.”

Designate Delegates and Alternates by October 14

NDSBA's Annual Convention is an excellent event for board member development. It is also the time NDSBA elects state board members and adopts resolutions that drive our legislative agenda.

Resolutions are voted on at the Delegate Assembly where registered delegates are responsible to cast votes representing their local boards. Resolutions that are passed dictate NDSBA's collective legislative position on critical issues. It is important to review proposed resolutions as a board so your delegates come prepared.

Convention delegates and alternates should be clearly designated on the district's registration form that must be received in the NDSBA office **BY OCTOBER 14** in order for delegates to vote at Delegate Assembly. Only those registered as alternates **BY THIS DEADLINE** will be allowed to substitute for a registered delegate. There will be no exceptions.



If your board votes to bring a resolution to the convention floor for consideration by the Delegate

Assembly, the following process must be followed:

1. Have 400 copies of your resolution ready to distribute at the close of the First Business Session on Thursday afternoon.
2. At the Second Business Session on Friday afternoon, the chair will ask if there are resolutions that were distributed on Thursday. At that time, a delegate from your board must come to the microphone and move the resolution. A delegate from a different board must make the second.
3. Once a motion and second have been made, your resolution will be discussed and voted on by the Delegate Assembly.

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■ NO on Measure 2

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the teaching profession.

Perhaps we could create a North Dakota version of Indiana's *New Generation Hoosier Educators Scholarship* bill. This new law gives Hoosier students up to \$7,500 every year toward college tuition and books, as long as they pledge to teach in Indiana for at least their first five years. Indiana is partnering with students who want to teach.

Another idea is to significantly raise teacher salaries throughout North

Dakota. The state could contribute funds just as it did last session with an increase in the per-student payment and a buy down of property taxes.

In discussions about these ideas, the stumbling block comes down to money. How can North Dakota fund these incentive programs? Answer: An initiated measure to be voted on by the public that would allow money in the Foundation Aid Stabilization Fund to be used in a way that promotes the education of our children for many years and generations to come. We need to preserve this fund and not allow for its quick and certain demise.



mark
your calendar

2016 NDSBA Annual Convention

October 27-28, 2016
Ramkota Hotel, Bismarck

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