



bulletin



APRIL 2013

Excellence in North Dakota public education through local school board governance ■ VOL XXXVIII ISSUE 4

Succeed 2020 Awards More Than \$4 million to REAs

Succeed 2020 has awarded the Great Northwest Education Cooperative (based in Williston), Mid Dakota Education Cooperative (based in Minot), and North Central Education Cooperative (based in Bottineau) with funding to launch their Succeed 2020 programs. The three REAs have spent the last year planning and piloting their Succeed 2020 programs. Each will receive approximately \$1.35 million to support full implementation of its Succeed 2020 programs through summer 2017. The three REAs also received modest planning grants last summer to develop and pilot their Succeed 2020 programs.

Each REA will launch several coordinated activities to prepare students for college and careers. For example, the Great Northwest Education Cooperative (Williston) will host two summer schools for students needing additional instruction and support in math and science. The Mid Dakota Education Cooperative (Minot) will provide students with summer internships and other work-based learning activities. The North Central

Education Cooperative (Bottineau) will offer career fairs, internships, business presentations, and ACT preparation to help students develop better understanding of their options after high school.

The Great Northwest Cooperative, Mid Dakota Education Cooperative, and North Central Education Cooperative join four REAs that launched full Succeed 2020 programs in fall 2012. Those four REAs are the Missouri River Education Cooperative (based

in Bismarck-Mandan), North East Services Cooperative (based in Devils Lake), Roughrider Education Services Program (based in Dickinson), and South East Education Cooperative (based in Fargo). The grants are part of Succeed 2020, a statewide program aimed at helping North Dakota students become better prepared for college and careers. Last year, the Hess Corporation, a global energy company, donated more than \$25 million to implement Succeed 2020.

Request for Public Comment on Draft North Dakota Pre-kindergarten Content Standards

State Superintendent of Public Instruction Kirsten Baesler announced a public comment period for the North Dakota Pre-kindergarten Content Standards. The Pre-kindergarten Content Standards are intended to provide a common set of expectations for children's learning and development across pre-kindergarten settings. The proposed Pre-kindergarten Content Standards can be found at <http://www.dpi.state.nd.us/standard/content/>

[draft-PreK-Content-Standards.pdf](http://www.dpi.state.nd.us/standard/content/draft-PreK-Content-Standards.pdf).

Educators, caregivers, and parents across the state are encouraged to access the survey and provide comments at <http://www.surveygizmo.com/s3/1192638/ND-DPI-Pre-K-Standards>. The public comment period begins April 4, 2013, and closes at 5:00 p.m., CT, on May 1, 2013. All comments will be reviewed and considered by the content standards development committee for possible inclusion in a future draft.

North Dakota Dolly Parton Imagination Library Summit June 4th in Bismarck

This FREE-OF-CHARGE, one-day Summit at the State Capitol is for both those who currently offer Imagination Library in their communities and those who wish to learn more about starting a program.

Contact the Office of the First Lady at firstlady@nd.gov or call 701-328-1010 for more information.

Golva Elementary School
Superintendent/Principal
Contact: Leah Zook, Business Manager
PO Box 170
Golva, ND 58632
(701) 872-3674
Deadline: open until filled

Lidgerwood School District
Half-time Superintendent
Contact: Jon Martinson
(701)255-4127
jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: April 17, 2013

Lidgerwood School District
Half-time Principal
Contact: Jon Martinson
(701)255-4127
jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: April 17, 2013

Pingree-Buchanan School District
Superintendent/Secondary Principal
Contact: Jon Martinson
(701)255-4127
jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: April 19, 2013



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.

EDITOR Annette Bendish

PUBLISHER

North Dakota School Boards Association
PO Box 7128
Bismarck, ND 58507-7128

TELEPHONE 1-800-932-8791

LOCAL (701)255-4127

FAX (701)258-7992

WEB SITE www.ndsba.org

EXECUTIVE DIRECTOR

Jon Martinson, Bismarck

OFFICERS

PRESIDENT

Greg Allen, Jamestown

VICE PRESIDENT

Jim Rostad, Minot

PAST PRESIDENT

Angela Korsmo, West Fargo

DIRECTORS

Ben Auch, Mott/Regent

Jennifer Johnson, Larimore

Jim Johnson, Fargo

Mike Lautenschlager, Berthold



■ by Jon Martinson, NDSBA Executive Director

from the director's chair

Update on Empower the Taxpayer Lawsuit over Measure 2

As the legislature reaches the last few weeks of the session, those of us who opposed Measure 2 (M2) are anxiously watching to see what happens to property tax relief. HB1319 establishes a "property tax relief fund" and directs the state superintendent of public instruction to certify the amount in the fund and determine state aid payments to each school district.

Following HB1319 as it moves through the session reminds me of the lawsuit filed by Empower The Taxpayer (supporters of Measure 2) against State Tax Commissioner Cory Fong, ND Senators Dwight Cook and David Oehlke, Representatives Charles Damschen and Lonnie Winrich, Divide County Commissioner Doug Graupe, Cass County Commissioner Scott Wagner, Wahpeton Finance Director Darcie Huwe, Williams County Auditor Beth Innis, North Dakota Association of Counties, North Dakota League of Cities, and the North Dakota School Boards Association.

The lawsuit alleges violation of the North Dakota Corrupt Practices Act as a result of defendants alleged use of public funds and services in advocating against M2, by allegedly disseminating false information regarding M2, and by simply taking a position against M2--whether public funds or services were utilized or not.

On April 12, 2012, District Judge Bruce Romanick dismissed the Empower the Taxpayer lawsuit against M2 opponents on the basis the North Dakota Corrupt Practices Act is criminal in nature and private citizens have no standing to bring a civil claim under the Act. The North Dakota Supreme Court

agreed and affirmed Judge Romanick's dismissal of the lawsuit on July 2, 2012.

On August 30, 2012, Judge Romanick determined Empower the Taxpayer's claims in the lawsuit against Divide County Commissioner Doug Graupe, Cass County Commissioner Scott Wagner, Wahpeton Finance Director Darcie Huwe, and Williams County Auditor Beth Innis were frivolous, as a competent attorney could not have had a good faith belief that a cause of action exists under the Act merely for a public official stating his or her opposition to an initiated measure. Judge Romanick ordered Empower the Taxpayer to pay these defendants' attorneys' fees and costs incurred in the lawsuit and ordered Empower the Taxpayer to prepare a written retraction (for statewide publication at the expense of Empower the Taxpayer) of allegations of corruption and allegations of alleged impropriety for anyone expressing their opinions against M2. Empower the Taxpayer's January 10, 2013, appeal of Judge Romanick's award of sanctions is currently pending before the North Dakota Supreme Court.

Stay informed about what's happening at the legislative session by visiting NDSBA's webpage at www.ndsba.org.

Follow Legislative links to:

- **Bill tracking**
- **Weekly legislative newsletter (posted Friday)**



Open meetings and executive session

All meetings of public school boards are open meetings unless state or federal law specifically allows or requires executive session. For a school board to properly convene an executive session of the board, the board must first meet in a legally noticed open meeting of the board. The board then must adjourn to executive session. The motion to adjourn to executive session must contain the North Dakota Century Code cite which allows executive session for the stated purpose. No other business may take place during the executive session. Under the law, the executive session must be recorded or videotaped. After conducting business in executive session, the board returns to the open meeting to adjourn.

State law provides for executive session only in the following circumstances:

Discharge Hearing: NDCC 15.1-15-08 teachers; 15.1-14-06 superintendents

Nonrenewal Hearing: NDCC 15.1-15-02 and 15.1-15-06 teachers; 15.1-14-10 superintendents

Negotiations Strategy: NDCC 44-04-19.1

Note: An executive session may be held under this subsection only when an open meeting would have an adverse fiscal effect on the bargaining or litigating position of the public entity.

Suspending a licensed employee during discharge proceeding: NDCC 15.1-15-10

Student Records: NDCC 44-04-19.2 and the Federal Educational Rights and Privacy Act (FERPA)

Health or medical records: NDCC 44-04-19.2 and the Health Insurance Portability and Accountability Act (HIPAA)

Consulting an attorney: NDCC 44-04-19.1

Security Plans: NDCC 44-04-26

REMEMBER: None of the legal exceptions to the open meeting law state that you can adjourn to executive session for general personnel matters. General personnel matters must be discussed in an open meeting.

Legislative Bills Signed by Governor

As the legislature enters the final days of the constitutionally allowed 80 days, many bills on NDSBA's tracking list have already been signed by the Governor.

House Bill 1028 amends the concussion management program requirements

House Bill 1058 relates to benefit coverage and health benefits credit for retired employees not eligible for Medicare and retired employees eligible for Medicare under the uniform group insurance program

House Bill 1059 relating to withdrawal of a political subdivision from the uniform group insurance program, the definition of an eligible employee, payment of the cost of uniform group insurance premiums for temporary employees, and the health savings account option offered to political subdivisions as part of the high-deductible health plan alternative under the uniform group insurance program

House Bill 1092 creates a provision relating to licensing out-of-state audiologists and speech-language pathologists and amends the licensure requirements for audiologists and speech-language pathologists

House Bill 1111 amends the law regarding the prohibition of noncharging of unemployment compensation benefits attributable to the accounts of base period employers

House Bill 1132 requires a legislative management study of the feasibility and desirability of making political subdivision budget information accessible on the state budget database website and finding better ways to inform taxpayers regarding political subdivision budget or levy deliberations

House Bill 1146 amends the requirements of a reorganization plan as it relates to a general fund mill levy and amends the evidentiary requirements for an annexation, reorganization, or dissolution proceeding hearing

House Bill 1194 creates provisions in law for short-term care insurance

House Bill 1228 provides an appropriation to the department of career and technical education

Dropout Prevention Summit

ND Dropout Prevention Summit

The 5th Annual ND Dropout Prevention Summit will be held June 5, 2013, at Bismarck High School. Session highlights include:

Check and Connect

Perhaps the most lauded dropout prevention program in the country

High-Interest Classes That Hook Kids

"Guitar" and "How to Be a Man"

Dropout Prevention for Native Youth

Dr. Dawn Mackety – presenter

Facilitated Discussion Sessions for:

Teachers, counselors, administrators, and others

Register now at www.ndcel.org.

Continued on page 4

Legislative Bills Signed by Governor

Continued from page 3

to provide science, technology, engineering, and mathematics advancement grants

House Bill 1230 requires that contributions currently in law for TFFR will continue to be paid until the plan reaches 100 percent funded ratio (an increase from 90 percent)

House Bill 1268 requires that a school district include information in its driver education curriculum regarding the manner in which a student obtaining a driver's license may make anatomical gifts

House Bill 1270 creates a new provision in law that provides for fair competition in governmental construction

House Bill 1276 allows a school board or nonpublic school to establish a program for providing medication to students

House Bill 1293 removes the sunset date for the interstate compact on educational opportunity for military children

House Bill 1301 removes the sunset date for the reimbursement of school districts for boarding care costs

House Bill 1321 increases the penalty for overtaking a school bus

Senate Bill 2040 amends the commercial driver's license qualification

standards

Senate Bill 2061 amends provisions of the Teachers' Fund for Retirement chapter of law

Senate Bill 2080 amends portions of the workforce safety and insurance law. Amendments relate to premium payments, penalties for failure to secure coverage, assignment of claims, and volunteer health practitioner benefits.

Senate Bill 2088 amends qualification and examination requirements for athletic trainers

Senate Bill 2102 changes requirements for annual administration of state academic achievement tests. Reading and mathematics tests must be administered in at least one grade level selected from nine through eleven instead of grade eleven only. Science tests must be administered in at least one grade level selected from ten and eleven instead of grade eleven only.

Senate Bill 2247 amends the section of law relating to limitations on employer withholdings

Senate Bill 2270 amends publication requirements for advertisements for bids for public improvement contracts

Senate Bill 2306 provides for two hours of annual professional development relating to youth suicide prevention for middle and high school teachers

Senate Bill 2320 requires law enforcement to release any relevant

and necessary information on file to the superintendent or principal of the school attended by a juvenile who has been adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child

Senate Bill 2329 creates an exemption for the standardize achievement test requirements for students who are home schooled

Senate Bill 2337 eliminates statutory references to basic health benefit plans and standard health benefit plans

Senate Bill 2374 amends requirements for school district election and recall filing

Several major bills on NDSBA's tracking list, including the education funding formula bill (House Bill 1319) have not received final approval. Please check our website for updated information. A final legislative update will be included in next month's *Bulletin*.



mark
your calendar

2013 NDSBA Annual Convention

October 24-26, 2013
Ramkota Hotel, Bismarck

2014 NDSBA Annual Convention

October 23-25, 2014
Ramkota Hotel, Bismarck