



bulletin



FEBRUARY 2011

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

Legislative Session Reaching Crossover

On February 25, the 2011 Legislative Session will reach the halfway point or “crossover,” the date that bills originating in one house are passed to the other.

This month’s *Bulletin* will provide a brief update on a few major bills working their way through the legislative process. In addition, you can follow nearly one hundred education bills on our website (www.ndsba.org) where you have access to the tracking list, bill status, hearing schedules, and weekly *Legislative Newsletter*.

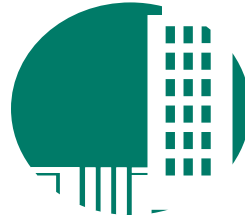
This is the third Session where a majority of K-12 education policy and funding initiatives are in one bill (**SB2150**) brought forward by the Commission on Education Improvement. Senate Education held a day-long hearing on the bill and spent days in committee work refining and amending. Because of numerous committee amendments, the bill was rewritten and subsequently forwarded to Senate Appropriations where there will likely be more changes.

Below are a few of the most significant amendments to **SB2150**:

Supplemental Teacher Effectiveness Compensation Plan (STECP)

STECP, which was previously referred to as Alternative Compensation Plan, was stripped from the bill. The only reference left is an interim study

of teacher compensation. This was a total surprise to education associations, Education Commission members, and the Governor. Teacher compensation was studied during the interim by a subcommittee of the Commission and recommendations were present in several sections of SB2150 as it was introduced. STECP had \$7.5 million appropriated in DPI’s budget for schools that develop innovative compensation plans. Senate Education did appear to protect the \$7.5 million by inflating per pupil payments in order to give the House an opportunity to restore STECP if desired.



Foundation Aid Per Pupil Payments

As introduced, the bill included per pupil payment increases of \$100 each year of the biennium (\$3,879/\$3,979). Senate Education adopted an amendment to level fund in year two and set payments at \$3,950/\$3,950. Level funding in the second year will require districts to plan carefully during salary negotiations, especially since we anticipate increases in the TFFR contribution in the second year of the biennium.

After stripping STECP language from the bill, Senate Education increased per pupil payments again to protect much of the \$7.5 million STECP money from being cut. This action created payments of \$3,961/\$3,961. Those numbers serve as a “placeholder” in DPI’s budget. They will return to \$3,950/\$3,950 if STECP is put back in the bill during House deliberations.

Compulsory Attendance

Two amendments addressed compulsory attendance ages. The first requires students to attend school until they graduate or reach age 17 (beginning July 1, 2015). The second amendment lowers compulsory attendance age to six and requires students to attend kindergarten.

Alternative Middle School Funding

The bill was amended to include \$460,000 for grants to schools that provide alternative programming for students in grades six through eight during the 2012-13 school year. It is the intent to add a .20 factor to the funding formula beginning in the 2013-14 school year.

Deferred Maintenance

As in last Session’s bill, money is earmarked for deferred maintenance of physical plants. About \$7 million will

Continued on page 2

Final Agreements Should Wait

NDSBA strongly encourages school boards to hold off on final negotiations until the end of the Legislative Session. **SB2150** is a long way from completion, foundation aid payment levels are not set, and TFFR contribution rates or effective dates will not be known until the end of

the Session. Given the mandate for 70 percent of new state money going to teacher compensation, you cannot compute potential salaries and benefits until all bills are passed. It is critical that boards be patient and wait until legislative decisions are final.

■ CROSSOVER

Continued from page 1

be made available with a dollar-for-dollar match requirement if the Office of Management and Budget determines state ending balances are at least \$30 million on April 30, 2012 or 2013. Grants would only be available to schools that levy at least 150 mills (before mill reduction is applied).

HB1134

This bill makes adjustments to TFFR contributions and benefits. As it was introduced, the bill called for two percent contribution increases for employers and employees beginning July 1, 2012, and another two percent increase beginning July 1, 2014. During Government and Veterans Affairs Committee deliberations, an amendment was adopted that prohibits an employer from paying the employees' two percent increase. It makes the two percent employees increase "non-negotiable." In other words, districts that currently pay all or part of the employees' share of TFFR will continue to pay that amount, but the district cannot pay their employees' two percent increase occurring in 2012 and 2014. The bill

received a DO PASS from both House GVA and Appropriations committees.

HB1258

Defined benefit versus defined contribution retirement plans is a hot topic this Session. **HB1258** requires all TFFR members employed after June 30, 2012, to belong to a defined contribution plan. The current defined benefit plan would be closed to new members as of that date. As introduced, the bill carried a fiscal note well over \$500 million to fill the gap in the defined benefit fund created because new employees would not be contributing to that plan. House Government and Veterans Affairs Committee amended the bill to remove most of the fiscal note by saying they will

conduct an interim study of the impact of plan changes and receive updated actuarial reports. It is their intent to address the gap funding issue during the 2013 Legislative Session. House GVA and Appropriations gave the bill a DO PASS recommendation.

As the second half of the Session approaches, stay in touch by reviewing bills on NDSBA's tracking list and be aware of their status. There are multiple bills related to property taxation restrictions, local control, curricular requirements, and mandatory school policies such as bullying, concussion management, and lockdowns.

Maintain contact with your legislators and communicate what impact the bills may have on your district.

Superintendent Evaluation Deadline March 15

North Dakota law requires that a school board complete the superintendent's summative evaluation process **before March 15**. This means all paperwork, compilations, and public discussion of the evaluation must

occur before March 15. A board cannot complete the process if they wait until its March meeting.

It is best to start the process early in February to ensure compliance with the deadline.

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 Bev Nielson

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

Angela Korsmo, West Fargo

VICE PRESIDENT

Dave King, Kenmare

PAST PRESIDENT

Maurice Hardy, Beach

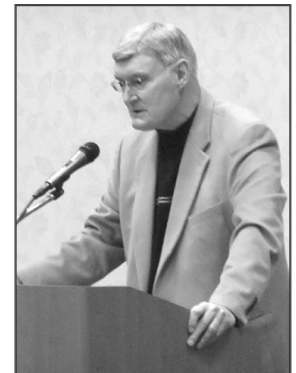
DIRECTORS

Greg Allen, Jamestown

Kirsten Baesler, Mandan

Jannell Lagein, Rock Lake

Jim Rostad, Minot



Board members, superintendents, and business managers attend NDSBA Negotiations Seminar



NDCDE Offering Expanded Services

The North Dakota Center for Distance Education (NDCDE) is embarking on exciting new ventures that will meet needs of school districts and students.

Entrance Exam Preparation Course

NDCDE will pilot an Entrance Exam (ACT, Compass, SAT, etc.) preparation and remediation course this spring. Information from DPI concerning state-supported ACT testing for all juniors will include NDCDE pilot course information. The pilot Entrance Exam course will be powered by MyFoundationsLab (MFL), a Person Learning product. The plan for subsequent NDCDE Entrance Exam prep and remediation courses is to offer North Dakota students additional options. While they will offer MFL as an all around prep and remediation tool for all college entrance exams, NDCDE plans to offer ACT and other specific college exam courses provided by Plato Learning.

Virtual Academy

NDCDE is in negotiations with two North Dakota schools to provide what is being defined as a virtual academy/school within a school. In its present form, the virtual academy concept is powered by Plato Learning. There is potential for nine other schools to sign on to this particular plan. This virtual academy/school within a school design is the result of NDCDE and Plato Learning working with schools in North Dakota to best address identified needs.

For more information on either of these new initiatives contact NDCDE Director Dr. Alan Peterson at (701)231-6007 or alan.j.peterson@nd.gov.

Nonrenewal Representatives Available

NDSBA trains field representatives to assist districts with nonrenewals. If you are in need of this service, call NDSBA at (800)932-8791.

A View from NDHSAA

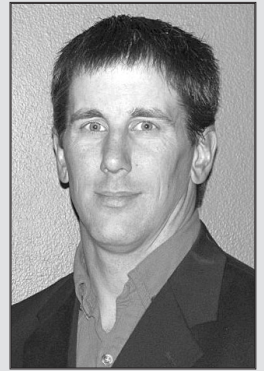
Ben Auch, Mott/Regent School Board and NDHSAA Board of Directors

Many of you may remember when you were first elected to your school board. You thought that you knew how your school board operated. You probably found out (as I did) that there was a lot more to it once you were on the inside looking out. It is a very similar feeling for me since joining the NDHSAA. It has been a very interesting endeavor thus far. Whether it has been three-class basketball, football region realignment, or a hardship appeal, there has been no lack of issues to debate. One thing I have been very impressed with is that no matter the issue, no matter what the debate was like, at the end of the meeting, we can part as friends with respect for each other and respect for decisions of the board. I know that does not happen at some of your board meetings.

The latest big issue for the board has been coaches' education. There are a number of reasons that this issue came to our board. There are currently only five states including North Dakota that have no form of certification for coaches. It is the belief of the board that activities play a vital role in the education of our students. With more coaches coming from outside the teaching ranks, there is a major concern that educational value of athletics could be lost.

There are three major issues being addressed. First was the NFHS (National Federation of High Schools) Fundamentals of Coaching. I have taken this course myself. I found it very informative and very easy to go through--taking me about five hours to complete. The cost of this course was \$35 at www.nfhslearn.com. The second was CPR and First Aid. If you are wondering where to get coaches CPR and First Aid certified, I

encourage you to contact your local ambulance service. The third was the NFHS course in concussion management. I have also taken this free 20-minute



course. I found it so informative that I showed it to my ambulance squad.

At our January meeting, the NDHSAA board approved the basic components of coaches' education with a "STRONGLY ENCOURAGE" that member schools adopt them. These courses only take about a day's time to complete. It is my belief that these basic courses will make coaching a more enjoyable experience for all coaches and keep them coaching longer.

If you have been following Bev's legislative newsletters, you know about the concussion bill and four bullying bills that are being considered at the legislature. I attended these hearings. The concussion bill (SB 2281) mirrored our NDHSAA concussion policy closely. One of the major talking points of people testifying in favor of the bill was education of coaches. The bill passed in the Senate and will require coaches to take biennial training on concussions. Some type of bullying policy bill is going to come out of this Session also.

So I ask you school board members, if we as school boards don't take coaches' training seriously and make it a priority, how long until the legislature makes us do it? Please remember that coaches are educators too, and in most schools, they are the only ones who do not have to take any type of continuing education.

Labor Relations Reminders

Every February, NDSBA begins receiving calls about procedures associated with negotiations, contract offerings, and nonrenewals. Below is a brief summary of legal dates and deadlines.

Offering of contracts to returning teachers	Contracts can be offered no earlier than March 1 or later than May 1 . If formal negotiations are in progress, the May 1 deadline does not apply. (NDCC 15.1-15-04)
Notice of contemplated nonrenewal	Notice can be given no earlier than March 1 or later than April 15 with hearing held on or before April 21. (NDCC 15.1-15-05)
Opening negotiations	Either party may give notice of desire to negotiate—notice must be given no less than sixty days before the annual anniversary date of the contract (NDCC 15.1-16-13). A district's negotiated agreement may have a notification deadline earlier than the sixty days, in which case that date would be followed. It is good to start early so you can have contracts out before the end of school or, at the very least, before school starts in the fall. In legislative years, you should wait until the end of the Session so you know state funding levels and if there will be new state mandates affecting contracts.



McClusky School District
 Half-Time Superintendent
 Contact: Cindy Miller, BsMgr.
 PO Box 499
 McClusky, ND 58463
 (701)363-2470
Cindy.Miller.1@sendit.nodak.edu
 Deadline: Open



2011 NSBA Annual Conference
 April 9-11, 2011
 San Francisco, CA

2011 NDSBA Annual Convention
 PRE-CONVENTION
NDSBA New Member Seminar
NDCSA School Law Seminar
 Thursday, October 27, 2011
 Ramkota Hotel, Bismarck
 ANNUAL CONVENTION
 October 28 & 29, 2011
 Ramkota Hotel, Bismarck

2012 NDSBA Annual Convention
 PRE-CONVENTION
NDSBA New Member Seminar
NDCSA School Law Seminar
 Thursday, October 25, 2012
 Ramkota Hotel, Bismarck
 ANNUAL CONVENTION
 October 26-27, 2012
 Ramkota Hotel, Bismarck

Election Alert

North Dakota election laws are specific as to dates and deadlines. Relevant election law is found in NDCC 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. Click "Resources" on the left side of the homepage.