



bulletin



JANUARY 2015

Excellence in North Dakota public education through local school board governance ■ VOL XL ISSUE 1

NDSBA Negotiations Seminar

NDSBA's Negotiations Seminar will be held **Friday, February 6**, at the Bismarck Ramkota Hotel. Two Early Bird Sessions will be held on **Thursday, February 5**. Registration forms are available on the NDSBA website at: www.ndsba.org.

EARLY BIRD SESSIONS INVESTIGATING ALLEGATIONS OF EMPLOYEE MISCONDUCT

The first early bird session will be Thursday morning from 10:00-11:30. School board members and administrators are encouraged to attend. Barrett Christina, staff attorney with the New Hampshire School Boards Association, will provide practical information regarding the process that should be followed by a school district when an investigation is needed -- from identifying the true nature of the complaint to creating follow-up documentation.

NONRENEWAL TRAINING

Teacher and Administrator Nonrenewal training will begin at 1:00 p.m. on Thursday. NDSBA staff will provide a review of the nonrenewal process, including teacher evaluations, nonrenewal procedures for experienced teachers, first-year teacher nonrenewal, reduction-in-force nonrenewal, resignation and contract breach, and superintendent evaluation and nonrenewal.

*lunch will not be provided on Thursday

NEGOTIATIONS 2015

This year's seminar will begin at 8:00 a.m. on Friday, February 6. The featured speaker will be Brian Rossen, a Health Care Reform Consultant with American Fidelity Administrative Services based out of California. In his current role, Brian's concentrated focus is helping employers and union groups understand their responsibilities and choices arising from Health Care Reform and assisting them with strategy decisions and implementation.

Schedule at a glance:

FRIDAY, FEBRUARY 6

8:00 a.m. - 5:00 p.m. (lunch included with registration fee)

- What School Districts Need to Know About the Affordable Health Care Act - Brian Rossen, American Fidelity
- Overview of the Negotiations Process
- Preparation and Strategy
- Establishing Ground Rules
- Recognition Process
- Tactics used by Teacher Groups
- Legislative Update on Bills Related to Negotiations
- Negotiated Agreement and Costing
- Declaring Impasse
- North Dakota Fact Finding Commission
- Issuing Teacher Contracts

NEGOTIATIONS SEMINAR

KEYNOTE SPEAKER



Brian Rossen

Understanding The Affordable Health Care Act with Brian Rossen:

- Health Care Reform Consultant with American Fidelity Administrative Services, LLC
- Will explain how the health care act impacts both employers and employees
- Graduate of California State University (Fresno)

School Board Recognition Month

January is School Board Recognition Month. School board members serve countless hours working to make public education the best it can be for every child.

North Dakotans know the best government is closest to the people it serves. Board members live and work close to students, parents, and educators and, therefore, know their needs and desires better than anyone. In a climate of

change and challenge, they develop policies and make tough decisions on complex educational issues that affect the entire community and the lives of individual students.

NDSBA thanks those individuals who devote their time, energy, and talents to North Dakota students by serving on their local school boards.

2015 Legislative Session Begins

The Sixty-fourth Legislative Assembly convened on Tuesday, January 6. NDSBA is currently tracking over 150 bills, including those relating to the size of a school board, property assessment notices, school district annexation petitions, and early childhood education.

You can access bills being tracked by NDSBA during the Legislative Session through the Legislative Council's website at <http://www.legis.nd.gov/legislative-bill-tracking-system>. To access the information you must have a North Dakota login ID. After you log in to the system with your account information, click **Add Shared List** and use:

List Name: **NDSBA bill tracking**
List Code: **Px0tfPMKBH**

Weekly legislative newsletters will be published on NDSBA's website each Friday. NDSBA will also be posting information via Twitter at https://twitter.com/NDSchool_Boards.

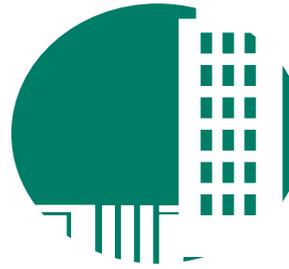
NDSBA has drafted legislation relating to the following topics:

- negotiations process (HB 1251)
- clarify requirements for salary increases for unfillable positions (HB 1315)

- create a process for nonrenewal of principals employed less than two years and clarify the superintendent/principal position evaluation and nonrenewal requirements (HB 1316)
- extend authority for criminal history record checks to special education units, career and technical education units, and REAs (SB 2145)
- allow a school board to delegate suspension authority of a staff member to the superintendent or other administrator (SB 2152)
- open records exemption for personnel record documents related to a criminal case pending in district court (SB 2153)
- business manager duties and destruction of records (SB 2181)

In addition to bills mentioned above, we encourage you to take note of the following:

- **HB 1055** – changing the statutory references of mills to dollars
- **HB 1131** – employment preference for veterans
- **HB 1188 and 1240** – annexation petitions
- **HB 1195** – carrying a concealed firearm in school
- **HB 1209** – age of admission to school
- **HB 1216** – supplemental payments for increased school enrollment



HB 1336 – school board membership

SB 2013 – DPI budget

SB 2092 – school board authority after approval of a reorganization plan

SB 2151 – early childhood education provider grants

SB 2213 – school district elections

Board members will want to communicate regularly with local legislators regarding bills that impact their districts. It is also important to build coalitions with parent, business, and farm organizations to broaden advocacy efforts. Legislators are always interested in local impact of proposed legislation.

During a legislative session, a legislator can be reached through email or by leaving a message with the legislative telephone message center at 1-888-NDLEGIS (635-3447).

When contacting your legislator, please follow these guidelines:

- Your purpose should be addressed in the subject line, the first paragraph, or at the start of the phone call. Identify specifically which legislation your contact pertains to (e.g., HB1013 or SB2019).
- Be specific and include key information, using examples to support your position.
- Address only one issue in each contact and keep your contact short and on topic.

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

Jim Rostad, Minot

VICE PRESIDENT

Ben Auch, Mott/Regent

PAST PRESIDENT

Greg Allen, Jamestown

DIRECTORS

Jennifer Johnson, Larimore

Jim Johnson, Fargo

Lawrence King, Bismarck

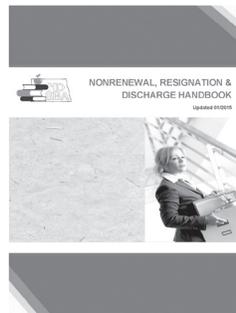
Mike Lautenschlager, Berthold

Nonrenewal Handbooks Available

With nonrenewal deadlines quickly approaching, now is the time to prepare.

NDSBA has developed two handbooks to assist school districts with this process.

The first is titled *Nonrenewal, Resignation, and Discharge Handbook* and addresses those issues regarding teachers. The second is titled *Superintendent Selection, Evaluation, Nonrenewal, and*

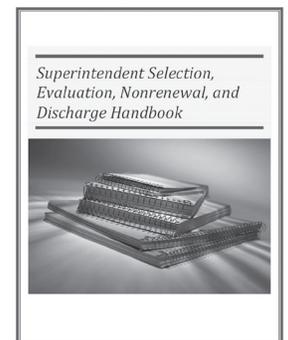


Discharge Handbook.

These handbooks guide users through each of these processes from start to finish. Each contains suggested

timelines, step-by-step guidance based on law and best practices, sample board motions, and nonrenewal forms.

For assistance in acquiring copies of these handbooks please contact NDSBA.



comments of counsel

by Annette Bendish, NDSBA Legal Counsel

The North Dakota Attorney General recently issued three opinions regarding open records and open meetings.

In **2014-O-23**, the mayor of the City of Wyndmere made a series of telephone calls to the members of the city council. The mayor discussed options with each member, and through the series of conversations, a consensus was reached by the Council. The decision was confirmed at a later meeting of the Council.

The Attorney General opined that even though there was a short time in which the decision needed to be made, special or emergency meetings are often called on very short notice to respond to urgent matters. The Council violated the law when the mayor made the series of telephone calls to a quorum of Council members regarding public business without providing public notice in substantial compliance with North Dakota Century Code section 44-04-20. To remedy the violation, each member of the Council, including the mayor, was required to provide a written, signed statement of the conversation he or she had with the mayor. Meeting minutes were required from these statements.

In **2014-O-24** requests for records were denied by a public entity because the records were in the possession of another company responsible for providing a specific service for the public entity.

In his analysis, the Attorney General stated that “except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours. N.D. Cent. Code §44-04-18. The definition of record includes “recorded information of any kind. . . which is in the possession or custody of a public entity or its agent and which has been received or prepared for use in

connection with public business or contains information relating to public business. “ N.D. Cent. Code §44-04-17.1(16) (emphasis added in opinion).

The Attorney General concluded that denying the request for records in possession of an agent of a public entity is a violation of open records law because the open records law cannot be circumvented by delegating a public duty to a third party. Forum Publ'g Co. v. City of Fargo, 391 N.W.2d 169, 172 (N.D. 1986). When a private corporation enters into a contract with a public entity and performs governmental functions and public services in place of the public entity, it is an “agent” of the public entity subject to open records law.

In **2014-O-25**, the Attorney General found that even though the city was inundated with requests from a prolific and persistent requester, the city failed to provide a copy of a record within a reasonable time. In reaching his decision, the Attorney General stated that when a public entity receives a request for records, it must, within a reasonable time, either provide the records or explain why the records are not being provided. A delay may be appropriate for a number of reasons, including the workload of staff who can respond to the request, balancing other responsibilities of the public entity that demand immediate attention and accessibility of the records requested.

Even though the city had received 136 separate requests for records in the five months prior to the request in question from this individual, the requests were often difficult to decipher, and the requests were often sent to multiple entities making it difficult to determine what entity is the subject of the request and who is responsible for responding, the Attorney General found that a two-week delay in providing one record requested was unreasonable.



superintendent vacancies

Milnor School District

Contact: Jon Martinson, (701) 255-4127
jon.martinson@ndsba.org
Application materials: www.ndsba.org
Deadline: February 16, 2015
Position begins July 1, 2015

Valley-Edinburg School District #118

Contact: Eileen Rinde, Business Manager
PO Box 6
Edinburg, ND 58227-0006
(701) 993-8312
Deadline: Open until filled
Position begins: July 1, 2015

McClusky School District

Half-time or full-time with other admin. services
Contact: Andrea Lauer, Business Manager
PO Box 499
McClusky, ND 58463
(701) 363-2470
andrea.lauer@sendit.nodak.edu
Deadline: Open until filled

Hazen Public School District #3

Contact: Connie Ellwein, Business Manager
PO Box 487
Hazen, ND 58545
701-748-2679
Connie.Ellwein@k12.nd.us
Deadline: January 21, 2015
Position start date: July 1, 2015

Central Cass School District

Contact: Pam Utt, Business Manager
pam.utt@sendit.nodak.edu
Application materials:
www.central-cass.k12.nd.us
Deadline: January 30, 2015
Position begins July 1, 2015

Eight Mile School District #6

Trenton, North Dakota
Contact: Doug Hoffman, Business Manager
(701)774-8221
doug.hoffman@sendit.nodak.edu
Deadline: Open until filled
Position begins: July 1, 2015

Max School District

Contact: Natalie Hauf, Business Manager
PO Box 297
Max, ND 58759-0297
natalie.l.hauf@sendit.nodak.edu
Deadline: Open until filled
Position begins July 1, 2015

Starkweather School District

Contact: Julie Wass, Business Manager
PO Box 45
Starkweather, ND 58377
Deadline: Open until filled
Position begins July 1, 2015

New Template Policy Manual Service

NDSBA is pleased to announce the availability of a new service. NDSBA is replacing its Customized Policy Manual Service with a new Template Policy Manual. Policy Services members may now purchase a Template Policy Manual for a one-time fee of \$4500—a service that includes access to over 400 policies, regulations, and exhibits. Subscribing districts will receive a flash drive containing all these documents and detailed instructions for adoption. Subscribers may elect to receive updates to these templates for \$500 annually.

Districts that have purchased our Required Policy Templates in the past—a service that provides access to approximately 100 state and federally mandated policy templates—will receive an \$800 credit when upgrading to Template Policy Manual Service.

For more information, contact alyssa.martin@ndsba.org.

RETURN SERVICE REQUESTED

Dr. Larry Nybladh named Superintendent of the Year

Dr. Larry Nybladh, superintendent of the Grand Forks Public School District, has been named the North Dakota Superintendent of the Year by the North Dakota Association of School Administrators. As the North Dakota Superintendent of the Year, he will be placed in competition with other state winners for the award of National Superintendent of the Year. Nybladh will be honored along with other finalists at the National Conference on Education in San Diego, California, on February 26-28, 2015.



Dr. Larry Nybladh

Nybladh earned a bachelor's degree from the University of North Dakota with a double major in geography and social science composite and a master's degree in educational administration with a minor in counseling from UND. He earned a doctorate in educational administration from Cornell University in Ithaca, New York.

With over 30 years in education, Nybladh began his career as a world geography and civics teacher at Elroy Schroeder Junior High in Grand Forks. In addition to experience as a classroom teacher, he has also served as a school administrator and college professor. On July 1, 2008, Nybladh was named the eighteenth superintendent of Grand Forks Public Schools.

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 the March meeting.

It is best to start the process early in February to ensure compliance with the statutory deadline. The statute also requires that the superintendent be evaluated using a satisfactory or unsatisfactory rating. If an individual serves in a superintendent/principal role, that individual should be evaluated separately for each position.



mark
your calendar

MARK YOUR CALENDAR

2015 NDSBA Negotiations Seminar

February 5-6, 2015

Ramkota Hotel, Bismarck

2015 NSBA Annual Conference

March 21-23, 2015

Nashville, TN

2015 NDSBA Annual Convention

October 29-30, 2015

Ramkota Hotel, Bismarck

2016 NDSBA Annual Convention

October 27-28, 2016

Ramkota Hotel, Bismarck

STATE MILEAGE RATE CHANGES!

As of January 1, 2015, state rate for mileage reimbursement is **57.5¢ per mile**.

State mileage rates can be found on the North Dakota Office of Management and Budget website at www.nd.gov/fiscal/policies/ under *2013 Fiscal and Administrative Policy Updates* Effective 01/01/2015. There is also a direct link on the NDSBA webpage under QuickClicks.