NSBA Discusses School Lunch Concerns with USDA

The National School Boards Association (NSBA) was one of 16 organizations that recently met with Secretary of Agriculture Tom Vilsack, Under Secretary of Agriculture Kevin Concannon, and “Let’s Move!” Executive Director Sam Kass to discuss problems implementing new regulations for school meals stipulated by the Healthy, Hunger-Free Kids Act (HHFK) and methods for improving child nutrition. Lucy Gettman, NSBA’s Director of Federal Programs, represented NSBA to call for recognition of the impact of the legislation on school district budgets and operations.

Gettman thanked the U.S. Department of Agriculture (USDA) for “including school district governance in this conversation and for taking a leadership role in convening this group of stakeholders, many of whom have never been convened as a group before. Hopefully, this will be the first of several conversations.”

School boards and administrators have struggled to implement HHFK’s provisions, which require districts to serve school meals meeting strict nutritional and portion guidelines that many children find less filling and less palatable. School districts are reporting more food waste and lower rates of participation in school meal programs and the need to cover unfunded cost increases somehow, usually through staff and program reductions.

In addition to school meal requirements, the law also has provisions for competitive foods that went into effect July 1, 2014. Forthcoming requirements include training and education standards for school food service personnel and expanded requirements for local school wellness policies, further affecting districts’ operations and bottom lines.

Gettman urges policy makers, “Be mindful of the cumulative effect of these requirements across school systems that are also implementing Common Core State Standards, Elementary and Secondary Education Act waivers, trying to administer assessments, trying to get a highly-effective teacher in every classroom, and make sure that ‘the wheels of the bus go ‘round and ‘round.’ We have to work together to make sure that it all fits together and works together, and that the child nutrition reauthorization isn’t having an impact on the rest of the educational system that isn’t supported financially and that doesn’t acknowledge local authority and control.”

NSBA Federal Advocacy Improves FCC Policy on E-Rate

NSBA successfully advocated for changes in the Federal Communications Commission (FCC) proposed policy to modernize the E-Rate program for schools and libraries. NSBA applauded changes made by the FCC on July 11 including a “safety net” to protect Priority 1 funds for Internet connections in the event that funding is insufficient to approve all applications for broadband and Wi-Fi. The Commission further committed to seeking public input on future E-Rate funding. In a July 1 letter to the FCC, NSBA expressed deep disappointment with the Commission’s initial plan to redirect E-Rate funds to broadband and Wi-Fi at the possible expense of Internet connectivity and to make other structural changes to the program.

The new E-Rate framework is intended to go into effect for the 2015-16 school year. NSBA will closely monitor the implementation process, including release of further Notice of Proposed Rule Making (NPRM) to seek public input for future funding needs.

NDSBA Service Award Program

NDSBA recognizes board members for their professional development, service, and participation. Awards are made in two categories based on a point system: Veteran Board Members (100 points) and Master Board Members (200 points). Members who have participated in National School Boards Association events receive their award “with distinction.” Awards are presented at NDSBA’s Annual Convention.

Business managers should maintain scoring forms for board members and update them each year. Business managers should send a copy to NDSBA when 100 and 200 points have been earned. Forms are available at www.ndsba.org under the “Services” link. Also available on the webpage is a spreadsheet that may be useful to record board members’ yearly activities. Some service activity or participation areas may not be listed on the form.

If you have a board member who participates in something that is not listed or you have other questions about point categories, please call the NDSBA office.

A copy of the qualifying board member’s form must be received by NDSBA no later than Friday, September 12.
Bill Draft to Eliminate Special Elections

At the July meeting of the legislature’s Advisory Commission on Intergovernmental Relations, a bill draft was discussed that is of concern. The bill would eliminate special elections and instead require elections that seek voter approval of political subdivision authority to increase property taxes or increase indebtedness to be held in conjunction with a statewide primary or general election.

This is the kind of bill that makes the public scratch their head and question the motive and wisdom of some legislators. The North Dakota School Boards Association is a strong supporter of local control. We believe locally elected school board members are in the best position to make decisions since they live in the community affected by their decisions. There are local checks and balances in place.

If a board member’s voting record is at odds with community thinking, the board member can be replaced at the next election.

In addition to the concern about undue legislative intrusion in local affairs, this proposed bill undermines the authority of elected board members to decide whether or not to hold a special election. After all, board members know best in this situation.

The reason given for eliminating special elections is low voter turnout, but the facts don’t support that opinion. Consider this: Bottineau, Garrison, Kenmare, Mott-Regent, and Tioga all held special elections for a bond measure in the past year. Some passed, some failed. However, in each case, voter turnout was HIGHER for the special election than it was for the recent June primary election—for both city commission and school board! Bismarck held its special election on September 18, 2012, to build a high school and two elementary schools. More voters turned out for the bond election (13,805) than voted in the June 2014, primary for city commission (13,074).

The public’s right to vote is the foundation of democracy and voting should be made as easy as possible for citizens (absentee ballots, identification of polling locations, etc.). People ought to be encouraged to vote. Yet, apathy at polls has been an ongoing issue for many years, and frankly, it is most noticeable with school board elections. Reasons why citizens don’t care enough to vote is beyond the scope of this article, but efforts to legislate people to the polls (while taking away local control) will be counterproductive. It’s also counterintuitive.

Hopefully, this ill-conceived bill will die any early death in the upcoming legislative session due to excessive weight gain from bloated faulty logic and overreach by otherwise well-intentioned legislators.
Two New Attorney General Opinions

2014-L-10

The North Dakota Attorney General recently issued an opinion, 2014-L-10 in response to the question whether a school district may amend its budget property tax estimate after a statutory deadline prohibits it, even if that amendment is the result of a clerical or human error.

North Dakota Century Code Section 57-15-31.1 identifies the deadline for amending budgets and certifying taxes. That section states:

No taxing district may certify any taxes or amend its current budget and no county auditor may accept a certification of taxes or amended budget after the tenth day of October of each year if such certification or amendment results in a change in the amount of tax levied. The current budget, except for property taxes, may be amended during the year for any revenues and appropriations not anticipated at the time the budget was prepared.

The Attorney General opined “the law and precedent are clear that a school district property tax levy may not be amended after the October tenth deadline found in N.D.C.C. §54-15-31.1 regardless of whether the previous levy was made in error.”

However, the 1989 Legislative Assembly amended North Dakota Century Code section 57-15-13 to provide authority to a school board to amend a district’s tax levy and budget before October tenth. That section states, in part:

School district taxes must be levied by the governing body of each school district on or before the fifteenth day of August of each year. The governing body of the school district may amend its tax levy and budget for the current fiscal year on or before the tenth day of October of each year but the certification must be filed with the county auditor within the time limitations under section 57-15-31.1.

Therefore, the governing board of a school district may append its property tax levy before the statutory October tenth deadline, but not after.

2014-O-16

In a separate opinion, 2014-O-16, the North Dakota Attorney General concluded that the North Dakota Industrial Commission violated open records law when it failed to provide requested records within a reasonable time.

On March 5, 2014, an email request was sent to the North Dakota Industrial Commission’s general account, requesting “minutes of all meetings of the North Dakota Industrial Commission from January 1, 2009 through March 1, 2014. The email asked to receive the records in electronic format (.pdf or .pst file) and requested citations to any authority for withholding or redacting any of the records.

It took approximately two months for the Industrial Commission to provide the requested records. The Attorney General recognized that it was a voluminous request that came at an inopportune time and required a detailed review to ensure no confidential information was released but concluded that such reasoning does not justify a nearly two month delay in responding to a request for meeting minutes. The Attorney General found that the Industrial Commission violated open records law when it failed to timely reply to a records request. The requestor had received all records at the time the opinion was issued; therefore, no further corrective measures need to be taken by the Industrial Commission to correct the violation.
West Fargo Educator to Receive National Recognition with the 2015 California Casualty Award for Teaching Excellence

Andrea Noonan, a Technology Integration Specialist and Language Arts teacher at Liberty Middle School in West Fargo and 2013 North Dakota Teacher of the Year will receive the 2015 California Casualty Award for Teaching Excellence, one of public education’s most prestigious awards.

Noonan is among 39 public educators who will be honored at the NEA Foundation’s Salute to Excellence in Education Gala to be held in Washington, D.C., on February 13, 2015. One of public education’s most anticipated events, the gala attracts more than 850 of the nation’s leaders from public education, philanthropy, and the private sector.

“We give these awards annually to honor and promote excellence in education and to elevate the profession. Educators like these are critical to their students’ academic success, and they deserve national recognition,” said Harriet Sanford, President and CEO of the NEA Foundation. “We are thrilled that California Casualty has joined us again this year to pay tribute to educators who are making such a difference in the lives of students in classrooms across the country.”

“Educating our youth is so critically important. California Casualty is proud to partner with the NEA Foundation to pause and celebrate excellence in teaching,” said Beau Brown, Chairman and CEO of California Casualty.

The educators were nominated by their National Education Association state affiliates. Each educator’s school will receive a $650 award.

From the 39 state awardees, five finalists will be selected to receive $10,000 cash awards. At the conclusion of the Washington, D.C., gala, one finalist will be named the nation’s top educator and receive an additional $25,000. The NEA Foundation and the National Education Association jointly present the awards.