



# bulletin



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*Excellence in North Dakota public education through local school board governance* ■ VOL XXXVII ISSUE 7

## Before NCLB: The History of ESEA and Where We Are Now

Contrary to popular contemporary belief, No Child Left Behind (NCLB) is not a “new thing” started by the Bush Administration. In actuality, NCLB is a nickname given to the long standing Elementary and Secondary Education Act (ESEA).

The first ESEA was passed in 1965 under Lyndon B. Johnson’s administration as part of Johnson’s “War on Poverty.” The overall purpose of this first version of ESEA was to improve educational opportunities for poor children. Prior to this 1965 legislation, federal policy dealing with education provided only funding or land for schools and special programs but was careful not to intrude on states’ rights to make decisions on curriculum and general operations of schools. The 1965 law was not meant as a general package of aid to all schools; rather, allocation formulas directed assistance to local school districts with the greatest proportions of poor children. Federal funds were purposely distributed through state

education agencies to avoid perception that the federal government was intervening in the rights and obligations of states to provide public education. It is also interesting to note that the original law contained language explicitly prohibiting “the expectation of a national curriculum.” How different that is today when our federal government has very specific expectations and mandates for the common content areas.

The first ESEA was originally authorized for five years; however, the government has reauthorized the act every five years since its enactment with changes to the law each time. The most recent reauthorization of ESEA occurred in 2002 and picked up the nickname of NCLB at that time. ESEA/NCLB had bipartisan support when it passed through Congress because the ideas contained in its many sweeping amendments were ideas that originated in the National Governors Association’s Goals 2000 project which occurred

during a time when both Bill Clinton and George W. Bush were state governors.

The most recent version of ESEA/NCLB expired in 2007, yet school districts are still operating under these same restrictive guidelines, unachievable expectations, and punitive sanctions. Congress has failed to come to an agreement on proposed changes to reauthorize ESEA that fix flaws contained in the last NCLB version. A continuing resolution to fund the law is passed each year without fixing its problems. This is the same approach used when Congress cannot reach agreement and pass a new federal budget. The result is a continuing resolution to keep government operating.

The House Education and Workforce Committee passed a bill that replaces the dysfunctional, over-regulated current program with an effort that places more emphasis on state and local decision-making, but many



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## Award Nominees Sought

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 the 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](http://www.ndsba.org) under the “Services” link.

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 any other questions about the point categories, please call the NDSBA office. Also available on the link is a sample scoring template that may be useful to record board members’ yearly activities.

A copy of the qualifying board member’s form must be received by NDSBA no later than **September 14**.

# BEFORE NCLB

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members on the committee voted against the bill on the grounds it went too far in removing federal requirements for dealing with low performing schools and student subgroups, so the bill is likely to fail on a full House floor vote.

Meanwhile the Senate Education Committee produced a bill that removes some key problems with NCLB but maintains a higher level of federal oversight and direction which displeases many other senators. It is very uncertain if the bill will garner the supermajority of 60 votes needed to pass filibuster-proof legislation.

It appears school districts will have to wait until after the November election to see any movement on the reauthorization of ESEA because pure and simple political partisanship is causing the delay. Meanwhile, school districts' frustrations continue to mount as they enter into another school year for a generation of students who are paying the price.

## Bev Nielson Retires as Assistant to the Executive Director

Bev Nielson began her long service to students in North Dakota as a member of the Fargo School Board in 1986. She was elected to the NDSBA Board of Directors in 1994 as the Southeast Director. In 1995 she became vice president of the Association and then led NDSBA as its president in 1997. She resigned her position on the state board to become part of the NDSBA staff in 1998 where she was employed as Assistant to the Executive Director. Rich Ott, former executive director of NDSBA, hired Bev and he had this to say about her, "I had great expectations for Bev when I hired her and she never disappointed me! Bev has tremendous energy and she contributed a great deal in improving education in North Dakota."

During her time with NDSBA, Nielson was a champion for public education during each legislative session, lobbying intelligently and

articulately for the causes that benefited our children and our local school districts. Current executive director, Jon Martinson, said "Bev is one of the brightest, most capable

people I've ever met. She looked forward to each legislative session and consistently offered insightful, knowledgeable, and persuasive testimony during committee hearings. Her ability to understand and translate even the most complicated laws was a great asset to the association and to school boards."

Bev's presence in the office and on various committees will be greatly missed. We wish her well as she begins a new chapter in her life.



## Baesler Joins NDSBA Staff

As a result of discussions over the past several years, Mandan School Board President and former NDSBA Southwest Director Kirsten Baesler accepted the position of NDSBA's Assistant to the Executive Director beginning July 1.

Kirsten is a graduate of Flasher High School, Bismarck State College, Minot State University, and Valley City State University, earning Bachelor and Master's Degrees in Education, and Library, Information and Technology.

She previously worked for the Bismarck Public School System where she began her career in education in 1991. Her experience includes work as a classroom teacher, technology staff developer, library media specialist, and most recently assistant principal at Will-Moore and Pioneer Elementary Schools.

Kirsten has served on the Mandan School Board since 2004, and in July

2012 was elected to her seventh term as president. She served on the NDSBA board as Southwest Director from October 2007-June 2012. Kirsten also serves on the board for the Morton Sioux Special Education Unit, has served on the National, Western Region and ND School Boards Association Nominating Committees, and has been a presenter at several NDSBA and NSBA conferences on topics dealing with community relations, school finance, and leadership skills.

Kirsten is active in her community, serving as a member of the Morton Mandan Public Library Board of Trustees, the Board of Directors for the Mandan Progress Organization, and is Chairperson for the Mandan Tomorrow Strategic Plan Steering Committee.

Kirsten lives in Mandan and has three sons: Lee, 23, a recent university graduate; Mitchel, and Chancellor, both recently 19, graduated from Mandan High School in May.



## bulletin

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# Public Notice and Hearing Required

## REMINDER: PROPERTY TAX INCREASE HEARING REQUIREMENT

NDCC 57-15-02.1 requires political subdivisions, including public schools, to hold a public budget and tax hearing if they intend to levy more dollars than generated by the 2011-12 mill levy. A meeting notice, **formatted in accordance with law**, must appear in the official newspaper at least seven (7) days prior to the hearing date.

Wording of the law is confusing but the intent is clear. If a school district's proposed total levy will result in an increase in property tax revenue for the district—excluding new growth not taxable in the prior year—the board must follow notice and hearing procedures set out in law. It is assumed that most district budgets will require an increase in property tax revenue beyond new growth, so boards should be diligent in conforming to statute.

Requirements of the public notice and public hearing are very specific.

At least seven days before a scheduled public hearing on its total proposed property tax levy, a board must publish a **paid notice** in its official newspaper. The notice must meet the following specifications:

- At least one-half inch white space margin on all four sides
- At least two columns wide by five inches high
- Heading must be capitalized in boldface type of at least 18 point
- Heading must state: **IMPORTANT NOTICE TO TAXPAYERS**
- Proposed **percentage** increase over “zero increase number of mills” must be printed in boldface type size no less than two points less than the

heading and the remaining portion of the advertisement must be in a type face size no less than four points less than the heading

Text of the notice must contain the following:

- Date, time (may not be before 6 p.m.) and place of public hearing
- Statement that the public hearing will be held to consider increasing the district's property tax revenue by a stated percentage
- Statement that there will be an opportunity for citizens to present oral or written comments regarding the levy
- Any other information the district wishes to provide to inform taxpayers

The NDSBA homepage ([www.ndsba.org](http://www.ndsba.org) “Quick Clicks”) contains a sample hearing notice and formula for determining which school districts are subject to this law for the 2012-13 budget year. Also, the NDCEL website has a sample spreadsheet showing how to determine whether or not your district must post a notice by showing three different scenarios. In addition, the NDCEL website provides a sample calculation for all mills levied in an Excel spreadsheet. The spreadsheet will download as an active spreadsheet allowing you to enter your 2011 valuation(s) and 2012 valuation(s) into the spreadsheet to determine the percentage increase for your district and to indicate whether or not posting the advertisement is required.

Boards often state publicly that they will be lowering the district's mill levy. This is usually a function of an increase in the value of a mill and does not mean patrons' tax bills will be lower. Taxpayers may believe they have been misled and this can lead to mistrust of the taxing entity. The purpose of the requirement is to ensure a more comprehensive explanation of proposed tax levies of political subdivisions and the impact on patrons' tax bills.

Timing of the public hearing is at the discretion of the board but must be held before the board takes final

action on their levy. Most boards adopt a preliminary budget and levy early in July but often make adjustments up until the final certification in October. If the board is not taking a vote on the final levy at the time of the hearing, the date and time for the board's final vote must be announced at that public hearing.

Keep in mind that this is a good opportunity to educate the public on complexities of property tax computations. It's also a way to improve communication with constituents.



## Greg Allen Elected President of ESPB

Greg Allen, Jamestown school board member and Southeast Director on the NDSBA board, has recently been elected president of the ND Education



Standards and Practices Board (ESPB). The ESPB is the independent educator licensing board responsible for educator licensure, determining approval of teacher

education programs for North Dakota's colleges and universities, professional staff development, and monitoring the profession through the educator's code of ethics and professional practices.

The Board, appointed by the Governor, is comprised of educators, administrators, school board members, teacher educators, and is committed to ensuring highly qualified educators for all North Dakota students through monthly meetings held at the State Capitol in Bismarck. Congratulations, Greg!

## DEADLINE ALERTS

NDSBA dues should be received by **July 31**.

Resolutions must be received in the NDSBA office no later than **4:00 p.m. on Monday, August 13**.

## Annual Schedule of Regular Meetings

School districts have been required to file an annual schedule of regular meetings with the county auditor. A change to law now provides that a district may post the annual schedule of regular meetings on its website instead of filing it with the auditor. Districts that do not have a website shall continue to file the schedule as they have in the past.

## Property Tax Relief Grants

In mid-July the Department of Public Instruction sent districts the amount of mill levy reduction dollars they will receive. Districts should take care in formulating budgets and local levies so they don't go over the 110 local levy maximum without a vote of patrons.

If you have questions regarding the grants, call Jerry Coleman at DPI or view information at: <http://www.dpi.state.nd.us/finance/finance/MLRGProjection2013.pdf>.

## Convention Committee Members Sought

Several months prior to each NDSBA Annual Convention, three committees are selected to assist with the convention process.

The **Nominating Committee** recommends a slate of candidates to be presented to the Delegate Assembly. A **Credentials Committee** oversees the registration process, reports appropriate numbers to

the Delegate Assembly, ensures delegates are properly seated, and counts floor votes when required. The **Ballot Counting Committee** counts ballots and verifies election results.

NDSBA members are encouraged to serve on one of these committees. If you are interested, please call NDSBA by **August 17**.

## NORTH DAKOTA PUBLIC EMPLOYERS & PUBLIC SCHOOL EMPLOYERS HANDBOOKS UPDATED

NDSBA recently posted updated editions of the *North Dakota Public Employers* and *North Dakota Public School Employers Handbooks* to its website ([www.ndsba.org](http://www.ndsba.org) "Resources" tab). 2012 updates include information on Veteran's Preference, youth employment, open meetings and records, and links to new state and federal publications and forms. The North Dakota Insurance Reserve Fund (NDIRF) sponsors these publications, and both are designed to help public employers respond to common human resources questions and statutory requirements.



## mark your calendar

**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

**2013 NSBA Annual Conference**  
April 13-15, 2013  
San Diego, California

**2013 NDSBA Annual Convention**  
October 24-26, 2013