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JUNE 2011

Excellence in North Dakota public education through local school board governance ■ VOL XXXVI ISSUE 6

Public Notice and Hearing Required

During the recent legislative session, HB1194 was passed and takes affect this year. NDSBA has received several calls requesting clarification of the new law. This article provides an explanation and resources for further assistance.

The law requires political subdivisions to post notice and hold a public hearing if the total tax levy they are proposing for the coming year will be greater than what the law refers to as “zero increase number of mills.” This term is defined as “the number of mills against the taxing district’s current year taxable valuation, excluding consideration of new growth, which will provide the same amount of property tax revenue as the property tax levy in the prior year.”

The chart in this article is a sample computation of percentage increase over “zero increase number of mills.” **Your computation should include all mills levied—not just your general fund levy.**

Wording of the new 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.

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 new requirement is to ensure a more comprehensive explanation of proposed tax levies of political subdivisions and the impact on patrons’ tax bills.

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 (name of taxing district) 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

Calculation of “zero increase number of mills”

Super School District	2010	2011
Taxable Value	25,000,000	30,000,000
Minus new growth		(4,000,000)
Taxable Value – new growth		26,000,000
2010 mill levy	117.00	
Zero Increase Number of Mills (2,925,000 tax/26,000,000 TV) x 1,000		112.50
Tax	2,925,000	2,925,000
Proposed Mill Levy		123.00

Percentage Increase Exceeding Zero Increase Number of Mills (123/112.5) minus 1

This is the percent increase that must be included in the published hearing notice.

Additional sample calculations can be found on NDSBA’s homepage www.ndsba.org under “Quick Clicks.”

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Travel Reimbursement Rates Changing

Effective August 1, the following rates apply to travel within the state:

- First quarter is from 6 a.m. to 12 noon and the sum must be six dollars. First quarter reimbursement may not be made if travel began after 7 a.m.
- Second quarter is from 12 noon to 6 p.m. and the sum must be nine dollars.
- Third quarter is from 6 p.m. to 12 midnight and the sum must be fifteen dollars.
- No changes were made to fourth quarter lodging reimbursement.



from the director's chair

■ by Jon Martinson, NDSBA Executive Director

North Dakota's First Lady Promotes Reading

As a former elementary teacher and school board member, North Dakota's First Lady Betsy Dalrymple knows firsthand the importance of reading. The key to success in school and beyond is developing proficient reading skills. Like learning to walk, the process of learning to read begins at birth.

The First Lady supports an initiative to get books to children by promoting Dolly Parton's Imagination Library (yes, that Dolly Parton). Started in 1995 for the children in Dolly's hometown of Sevier County, Tennessee, the Imagination Library has expanded nationwide and is available in Canada and the United Kingdom.

The program's purpose is to provide age-appropriate books to children each month from birth through age



Sarah Johnson, First Lady's Office, First Lady Betsy Dalrymple, and NDSBA Policy Services Director Alyssa Martin discuss the Imagination Library initiative.

five. Cost is \$2/book per child or \$24/year per child. Eligibility criteria are defined only in terms of children's age and residence and, therefore, NOT based on socioeconomic, parental factors, or other limiting criteria. Thus, all preschoolers in a community are eligible.

The Imagination Library partners with local communities willing to bring this gift to children in their area—defined by zip code, school district, town, county, or entire state. Common community partners include the United Way, local businesses, civic groups, education foundations, Chambers of Commerce, and school systems. At this point, 1200 communities sponsor the Imagination Library providing books each month to 565,000 children. Since its inception, over 25 million books have been mailed to children.

North Dakota's First Lady is passionate about this program because she says "reading promotes school readiness, creates a great habit of reading regularly, and is a great way for families to start a library in their home." For more information, contact First Lady Betsy Dalrymple at www.firstlady.nd.gov or call 701-328-1010 and be sure to visit Dolly's Imagination Library at www.imaginationlibrary.com.

■ PUBLIC NOTICE

Continued from page 1

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

Your official newspaper personnel will be able to assist you in meeting specifications.

A sample meeting notice can be found on NDSBA's home page www.ndsba.org under "Quick Clicks."

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.

There is a great deal of specificity in the new law, but after this first year, it should become routine. Keep in mind that this is a good opportunity to educate the public on complexities of property tax computations and a way to improve communication with constituents.

Policy Services Renewal Notices

Policy Services membership renewal notices will be mailed to districts this month. Membership is \$200 annually and provides access to an online monthly newsletter, sample policies, and policy consultation services.

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States Tackling Teacher Tenure

Fueled by pension shortages, Race to the Top requirements, and movement toward teacher accountability, several governors and state legislatures have proposed legislation that challenges the status quo regarding teacher employment issues.

Tenure reform is among teachers' rights being debated in Florida, Idaho, Illinois, Indiana, Nevada, New Jersey, and Wyoming. But the state that has shown what is possible is Colorado. Speaking at the Council of School Attorneys' national conference, attorneys Martin Semple and M. Brent Case described a new Colorado law that makes bold changes to teacher tenure including:

- Probationary teachers must earn tenure with three consecutive years of demonstrated effectiveness, rather than just three years of service.
- Teachers with tenure automatically lose that status and return to probationary status if they are evaluated as ineffective for two consecutive years. They can regain tenure if they are rated effective for two consecutive years.
- 50 percent of teacher evaluations will be tied to student growth as measured by standardized test.
- The so-called "dance of the lemons" will end. No school has to accept a teacher transfer if

the principal and a faculty committee give a thumbs down.

- Every teacher will be evaluated every year. In the past, tenured teachers were evaluated only once every three years.

The Colorado legislature empowered the State Board of Education to define "effective teaching." Evaluation and describing effective teaching is where many state reform plans have stalled. However, Colorado's law is expected to be fully implemented by 2014.

Part of Colorado's motivation toward tenure reform was positioning the state to be a more viable candidate for federal Race to the Top funds.

(Editor's note: While North Dakota Century Code does not contain the word "tenure," after one year of service, teachers are granted full nonrenewal rights, which is the main component of tenure.)

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.

NDSBA Legal Counsel Gary Thune accepts a plaque on behalf of the North Dakota Council of School Attorneys (COSA) from Angela Korsmo, NDSBA board president. The board room was dedicated to COSA for their generous contribution to the new building.



NDSBA board of directors gather with Gary Thune to dedicate the board room to COSA. From the left (back): Jannell Lagein, Greg Allen, Angela Korsmo, Gary Thune, Dave King, and Jim Rostad. Seated in front: Kirsten Baesler and Maurice Hardy.

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.

School board members are encouraged to serve on one of these committees. If you are interested, please call NDSBA by **August 1**.



Let's Move in North Dakota Schools was held on the state Capitol grounds on May 3. Students from Bismarck and surrounding areas participated. The initiative is based on the national *Let's Move* campaign put forth by First Lady Michelle Obama to encourage parents, policy makers, and educators to support physical activity in schools. Honored guests included Lt. Governor Drew Wrigley; Dr. Wayne Sanstead, State Superintendent; Dr. Stephen McDonough, MD, Department of Health and Human Services and a member of the President's Council on Fitness, Sports and Nutrition; and Brad Strand, Professor at North Dakota State University and President, American Alliance for Health, Physical Education, Recreation, and Dance.



superintendent vacancies

Fort Totten School District
 (Grades 9-12)
 Contact: Anita Black, BsMgr.
 (701)766-1438
 Deadline: Open



mark your calendar

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 NSBA Annual Conference
 April 21-23, 2012
 Boston, Massachusetts

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