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JUNE 2013

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

Interim Studies Chosen; Committees Named

At its June 10 meeting, Legislative Management named members to various Interim Committees.

Interim Education Funding Committee has been assigned the following:

- Study to examine and clarify state and local-level responsibility for the equitable and adequate funding of elementary and secondary education in this state

Members of the Committee are:

Chair: Senator Tim Flakoll
Vice-chair: Representative Mike Nathe

Representative Mark A. Dosch
Representative Jessica Haak
Representative Brenda Heller
Representative Bob Hunskor
Representative Jerry Kelsh
Representative Ben Koppelman
Representative Lisa Meier
Representative David Monson
Representative Karen M. Rohr
Representative David S. Rust
Representative Mark Sanford
Representative John Wall
Senator Howard C. Anderson, Jr.
Senator Joan Heckaman
Senator Richard Marcellais
Senator Nicole Poolman
Senator Donald Schaible

Interim Taxation Committee has been assigned the following:

- Study controlling the growth of property tax levies, with emphasis on consideration of whether the level of property tax relief received by taxpayers has been commensurate with the amount of state funds distributed to benefit political subdivisions and provide property tax relief to taxpayers

- Study the property tax system
- Study applying property tax rates against true and full value of property

Members of the Committee are:

Chair: Senator Dwight Cook
Vice-chair: Representative Mark S. Owens

Representative Wesley R. Belter
Representative Jason Dockter
Representative David Drovdal
Representative Glen Froseth
Representative Patrick Hatlestad
Representative Craig Headland
Representative Jim Kasper
Representative Jerry Kelsh
Representative Scot Kelsh
Representative Mike Nathe
Representative Dan Ruby
Representative Jim Schmidt
Representative Robin Weisz

Representative Steven L. Zaiser
Senator Randall A. Burckhard
Senator Jim Dotzenrod
Senator Lonnie J. Laffen
Senator Ronald Sorvaag
Senator Jessica K. Unruh

Advisory Commission on Intergovernmental Relations has been assigned the following:

- Study the feasibility and desirability of making political subdivision budget information accessible on the state budget database website and finding better ways to inform taxpayers regarding political subdivision budget or levy deliberations and legislative property tax relief

- Study whether political subdivisions can become more efficient and effective to reduce costs to taxpayers
- Study local government structure, fiscal and other powers and functions of local governments, relationships between and among local governments and the state or any other government, allocation of state and local resources, and interstate issues involving local governments (NDCC § 54-35.2-02)

Members of the Committee are:

Chair: Representative Brenda Heller
Vice-chair: Senator Jessica K. Unruh
Representative Ron Guggisberg
Senator Dwight Cook

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Travel Reimbursement Rates Changing

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

- First quarter is from 6 a.m. to 12 noon and the sum must be seven 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 ten dollars and fifty cents.
- Third quarter is from 6 p.m. to 12 midnight and the sum must be seventeen dollars and fifty cents.
- No changes were made to fourth quarter lodging reimbursement.

Housing Incentive Fund Ready to Accept Applications and Contributions

The North Dakota Industrial Commission recently approved the biennial allocation plan for the state's Housing Incentive Fund (HIF), allowing the North Dakota Housing Finance Agency (NDHFA) to accept applications from multifamily housing developers and contributions from taxpayers. The 2013 Legislature reauthorized the fund at \$35.4 million and established program priorities of providing affordable housing for essential service workers in energy-impacted counties and preserving and providing for the needs of low- to moderate-income households statewide.

One of the new eligible uses of HIF funding is to assist private entities to

purchase publicly-owned housing units (i.e., housing units currently owned by school districts), resulting in divestiture by the public entity while maintaining the supply of affordable housing for those essential service workers. This allows school districts to get out of the housing business so their resources can be redirected to their mission --

providing quality education to children in North Dakota.

"To ensure western North Dakota communities are able to recruit and retain law enforcement personnel, teachers, and long-term care workers, HIF applicants that set aside units for these and other essential service workers will receive a scoring preference," said Mike Anderson, NDHFA executive director.

The allocation plan is available online at www.ndhousingincentivefund.org or www.ndhfa.org.

Applications for the first funding round must be submitted by 5 p.m. (CDT) on **Friday, June 28**, to Planning and Housing Development Division Director Jolene Kline at NDHFA, PO Box 1535, Bismarck, ND, 58502-1535.



COMMITTEES

Continued from page 1

Government Finance Committee has been assigned the following:

- Study the foundation aid stabilization fund, including anticipated growth in the fund, appropriate funding levels, options for the disposition of excess funding if appropriate funding levels are exceeded, reallocation of oil extraction taxes currently being deposited in the fund, and feasibility and desirability of proposing changes to the constitution relating to the foundation aid stabilization fund

Members of the Committee are:
Chair: Representative Jeff Delzer
Vice-chair: Senator Terry M.

Wanzek

Representative Larry Bellew
Representative Joshua A. Boschee
Representative Bette Grande
Representative Craig Headland
Representative Rick Holman
Representative Lisa Meier
Representative Kylie Oversen
Representative Don Vigesaa
Representative Clark Williams
Senator Dwight Cook
Senator Gary A. Lee
Senator Donald Schaible
Senator Ronald Sorvaag
Senator Rich Wardner

As was the case during this past legislative session, NDSBA will be busy tracking the direction of committees. This will be a critical interim for defining future expectations of North Dakota schools, students, and taxpayers. More information about the Interim Committees can be found online at <http://www.legis.nd.gov/assembly/63-2013/committees/interim>

Congratulations Alyssa!



Great news! Alyssa Martin, NDSBA Director of Policy Services, has been named to the *Bismarck Tribune's* 40 Under 40 class of 2013. She is being recognized for her leadership, professional development, and commitment to the Bismarck community. Alyssa joins a distinguished group of alumni of 40 Under 40 including North Dakota Insurance Commissioner Adam Hamm, North Dakota Tax Commissioner Cory Fong, and other young professionals who have led their business and industries to success through both good times and challenging times.

bulletin

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comments of counsel

by Annette Bendish, NDSBA Legal Counsel



Attorney General Issues Open Records Opinion

On May 24, 2013, the North Dakota Attorney General issued an opinion to North Dakota State University (NDSU) regarding a record request for student disciplinary records. The Attorney General found NDSU violated the open records law by providing an insufficient written denial to the request.

On October 22, NDSU received a request for “the details of any disciplinary action taken against the NDSU football players who were charged and convicted of petition signature fraud earlier this year.” Requested information included “details of any action taken academically, through student government, and/or the athletics department.” NDSU refused to provide the requested disciplinary records stating that the records were confidential under the Family Education Rights and Privacy Act (FERPA) found at 20 U.S.C. §1232g, and 34 C.F.R. Part 99.

The Attorney General stated that the “Department of Education has consistently issued letter opinions which recognize that occasionally information could be traced to individual students, even if the records are redacted and even when information is released in the aggregate. In those instances, FERPA prohibits disclosure of the information without consent when, taking into account all available information, data, and other information known to have been disclosed by other means such as through the media, the educational institution determines the records could still identify students.”

The opinion stated that if the school determines that the requested records cannot be redacted without retaining some personally identifiable information, the records cannot be released. If the request asks for a specific student’s

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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 1**.

NDSBA Seeks Resolution Recommendations

NDSBA members create the association’s legislative agenda through adoption of resolutions.

NDSBA resolutions fall into one of two categories: Beliefs and Policies or Standing Resolutions. Beliefs and Policies are permanent philosophical, legislative, and operational statements; Standing Resolutions are uniquely legislative and are dropped after four years unless they are brought to the Delegate Assembly for reconsideration.

Current Beliefs and Policies and Standing Resolutions—along with a recommended submission format—are available at www.ndsba.org under both the “About NDSBA” and “Legislation” links.

It is time to think about resolutions your board may want to submit. The 2013 Legislative Session showed a continued shift in political philosophy moving toward more legislative control over policy, procedure, and accountability of local government, including school districts. Your district might want to discuss possible resolutions regarding property tax limitations, defined contribution retirement plans, local control of curriculum content, administrator and teacher evaluations, or collective bargaining and negotiations.

Resolutions must be received in the NDSBA office by **4:00 p.m. on Monday, August 12**, to be considered by the NDSBA Governmental Affairs Committee for recommendation to the Delegate Assembly at the Annual Convention.

Policy Services Renewal Reminder

NDSBA will mail Policy Services renewal notices to school districts in June. Basic Policy Services membership is \$250 and includes access to a monthly online newsletter, 10 free sample policies upon request, and the option to participate in fee-based required and customized policy manual services.



2013 NDSBA Annual Convention
October 24-26, 2013
Ramkota Hotel, Bismarck

2014 NSBA Annual Conference
April 5-7, 2014
New Orleans, LA

2014 NDSBA Annual Convention
October 23-25, 2014
Ramkota Hotel, Bismarck



NDSBA Board of Directors and staff meet at NDSBA office on June 9-10.

Reminder

North Dakota Century Code section 15.1-09-31 requires a school board to publish an itemized list of obligations approved for payment, if so determined by the voters. The North Dakota Attorney General has issued an opinion stating that this includes a one-time listing of annual salaries of school district employees at the time the contract is signed or at the time the individual begins his or her duties, in lieu of itemization of monthly payments to each employee. See <http://www.ag.nd.gov/Opinions/2006/Letter/2006-L-05.pdf>

■ OPEN RECORDS

Continued from page 3

disciplinary records, it is reasonable to conclude that the student's identity would be obvious and would be disclosed to the requestor.

The Attorney General concluded that the response that is provided when denying a records request must contain a sufficient written denial. Generally stating that students' discipline records are confidential is not accurate. It is a violation of the open records law to deny a record using an inaccurate legal reason.



Lidgerwood School District

Secondary Principal
Contact: Jon Martinson
(701)255-4127

jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: Open until filled

South Prairie School District

Superintendent (K-8 District)
Contact: Jon Martinson
(701) 255-4127

jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: Open until filled