Federal Education Funding Update for Fiscal Year 2015

Recently, the Senate Appropriations Subcommittee responsible for federal education funding reported a bill that seeks to provide increases for key programs. Based on the overall funding level established by the Bipartisan Budget Act for Fiscal Years 2014-15, the bill would sustain most programs for school districts and increase Title I grants for disadvantaged students and special education funding by $90 million in FY2015.

“This is the bill that invests in America and allows us to respond to the changing needs of our country, all within a difficult budget,” said Senator Tom Harkin (D-IA), Chairman of the Subcommittee on Labor, Health & Human Services, Education and Related Agencies. “I am particularly encouraged that the bill directs funding to investments in high-quality early childhood care and education, which have been proven to have positive, lasting effects on children and families.”

The appropriations bill proposes a $50 million increase for Title I grants over the FY2014 funding allocation and would raise the overall funding level to $14.4 billion. Title I grants support student achievement efforts at roughly 90 percent of the 14,000 school districts across the nation. Our school districts educate approximately 11.4 million students through Title I programs. For special education funding, the bill would provide a $40 million increase over this fiscal year. Currently, the federal share of funding for special education services to approximately 6.9 million students is roughly 16 percent. When the Individuals with Disabilities Education Act (IDEA) was first enacted almost 40 years ago, Congress promised to pay 40 percent of costs for special education. (NSBA is an active proponent of legislation to fully fund the federal share of IDEA, such as the IDEA Full Funding Act.)

The Subcommittee’s bill would also benefit early childhood education programs by a proposed increase of more than $348 million combined for Head Start and other areas including the Child Care and Development Block Grant, Preschool Development Grants, and IDEA Grants for Infants and Families. The $145 million increase slated for Head Start programs would support a one percent increase for current grantees to help keep up with rising costs and would allocate $65 million for Early Head Start.

In other program areas, English Language Acquisition funding would be sustained at the current level of $723.4 million. Career and Technical Education programs would be funded at $1.12 billion, which would include a slight increase of $5.4 million. Also, Impact Aid funding to school districts would be $1.28 billion, the same as FY2014. (Impact Aid helps support the education of students whose parents/guardians reside and/or work on federal tax-exempt property, such as military installations and tribal trust lands.)

Next Steps: The full Senate Appropriations Committee has not announced a meeting to consider the Subcommittee’s funding recommendations. Ultimately this bill will have to be reconciled with similar legislation from the House Appropriations Committee.

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 11, to be considered by the NDSBA Governmental Affairs Committee for recommendation to the Delegate Assembly at the Annual Convention.

NDSBA is on Twitter and Facebook
Follow us: http://bit.ly/1jwRb84
and like us: http://on.fb.me/UJ4m0v.
**Conflict of Interest**

What should school board members do if they think they may have a conflict of interest with a matter that is before the school board?

If a board member thinks he or she may have a conflict of interest, the board member should not abstain but follow the Century Code. North Dakota law is very specific regarding conflict of interest. North Dakota Century Code section 44-04-22 states:

44-04-22. Conflict of interest law.

A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.

Every district must ensure that its policies and practices are in full compliance with this law.

When addressing this statute, the North Dakota Attorney General has opined that section 44-04-22 only applies to “personal or pecuniary interests that are direct or substantial; that whether a conflict of interest arises under this statute is usually to be determined by the official involved with the assistance of the attorney for the political subdivision, or if not resolved, then by the governing body of the political subdivision.” N.D.A.G. 2007-L-12.

In that same opinion, the Attorney General stated that Section 44-04-22 does not apply to all interests that a board member may have in a “matter” before a board. However, the statute does apply to those interests in the matter that are “direct and substantial” and “personal or pecuniary.” These terms have been defined as follows:

Direct means “operating by an immediate connection or relation, instead of operating through a medium,” Black’s Law Dictionary 459 (6th ed. 1990). “A direct interest, such as would render the interested party incompetent to testify in regard to the matter, is an interest which is certain, and not contingent or doubtful.” Id. at 460. Substantial means “[o]f real worth and importance; of considerable value; . . . something worthwhile as distinguished from something without value or merely nominal.” Id. at 1428, citing Seglem v. Skelly Oil Co., 65 P.2d 553, 554 (Kan. 1937); see also Miller v. Commissioner of Internal Revenue, 84 F.2d 415, 418 (6th Cir. 1936) (“In the commonly accepted legal sense, a substantial interest is something more than a merely nominal interest . . . ”); Yetman v. Naumann, 492 P.2d 1252, 1255 (Ariz. Ct. Ap. 1972) (“substantial interest” defined in statute as any interest other than a “remote interest”). Personal means “[a]ppertaining to the person; belonging to an individual; limited to the person.” Black’s Law Dictionary at 1134. A pecuniary interest is “[a] direct interest related to money in an action or case.” Id. at 1131.

The Attorney General has concluded that “it is my opinion that the terms “direct,” “substantial,” “personal,” and “pecuniary,” as used in section 44-04-22, have the meanings indicated above.” N.D.A.G. 95-F-06.

**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**.

**2014 NDSBA Annual Convention**
October 23-24, 2014 (new two-day format!)
Ramkota Hotel, Bismarck

**2015 NSBA Annual Conference**
March 21-23, 2015
Nashville, TN

**2015 NDSBA Annual Convention**
October 29-30, 2015
Ramkota Hotel, Bismarck
NDSBA Board of Directors and Staff Discuss Issues During the Retreat on June 8-9 at the NDSBA Office Building

Juli Burney
Scheduled as Convention Keynote on October 23

Thursday afternoon’s keynote speaker is humorist and motivational speaker Juli Burney. An award winning teacher, entertainer, and author, Juli makes an amazing connection with her audiences. She is able to entertain with the ability of a headlining comedian … with the ease of a top-notch motivational speaker. If you plan to attend Thursday’s Law Seminar, the New Member Seminar, or if you are just starting your convention Thursday afternoon, you can sit back, relax, laugh, and learn with Juli as she kicks off the convention at 3:00 p.m.

Jon Martinson, staff; Ben Auch, Mott-Regent; Jennifer Johnson, Larimore; Alyssa Martin, staff; Angela Korsmo, West Fargo; Senator Dwight Cook, Mandan; Annette Bendish, staff; Representative Mike Nathe, Bismarck; Patty VerDouw, staff; Julie Steidler, staff; Jim Johnson, Fargo; Mike Lautenschlager, Berthold; Jim Rostad, Minot; and Greg Allen, Jamestown.

Angela Korsmo, Greg Allen, Patty VerDouw, Jim Johnson, Julie Steidler, Jim Rostad, Alyssa Martin, and Mike Lautenschlager

Annette Bendish, Jennifer Johnson (partially obstructed), Senator Dwight Cook, Representative Mike Nathe, and Greg Allen

Grant County Schools
Superintendent
Contact: Wanda Kirsch
e-mail: wanda.kirsch.sendit.nodak.edu
(701) 584-2374
Deadline: Open until filled
Local School Board Governance and Flexibility Act Introduced in Senate

The Local School Board Governance and Flexibility Act (S. 2451) was recently introduced in the U.S. Senate by Sen. James M. Inhofe (R-Okla.). The legislation would protect local school district governance from unnecessary and counterproductive federal intrusion from the U.S. Department of Education (ED).

- The Local School Board Governance and Flexibility Act would:
- Establish local school boards’ authority and curb overreach by ED on issues that impact local school districts unless specifically authorized in federal legislation;
- Ensure that local school board concerns and issues are solicited and addressed in the process of creating new federal regulations;
- Create procedural steps that ED would be required to take prior to initiating any regulations, rules, grant requirements, guidance documents, and other regulatory materials; and
- Ensure that ED’s actions are consistent with the specific intent of federal law and are supportable at the local level.

The new Senate legislation is a companion bill to H.R. 1386 introduced last year in the U.S. House of Representatives, which has 43 bipartisan sponsors and co-sponsors. The House’s version of the Elementary and Secondary Education Act reauthorization, H.R. 5, approved by the full House last summer, also includes key provisions of H.R. 1386. NSBA is encouraging school board members to contact their senators to support passage of this legislation.

“The Local School Board Governance and Flexibility Act will give state and local school boards a voice in how the federal government issues regulations and guidelines for education,” said Inhofe. “It’s time for the Department of Education to be accountable to the parents, teachers, and local elected officials who work first hand with our nation’s children. Education needs are unique to each community, and in order to give the next generation of Americans a better future and wealth of opportunities, my legislation will give state and local school boards the authority they need to carry out the education goals that are best suited for their children.”