



bulletin



MARCH 2011

Excellence in North Dakota public education through local school board governance ■ VOL XXXVI ISSUE 3

Important Bills Moving Through the Legislature

Some liken the legislative session to three periods of a hockey game-- 1st period is pre-crossover, 2nd period is post-crossover, and 3rd period is conference committee work. We are currently in the 2nd period. As the *Bulletin* goes to print, NDSBA's major bills have had second hearings. They will receive committee recommendations and go to the floor in the next couple weeks. Several school-related bills will go well into the 3rd period--conference committees--before final floor action.

Following is a brief update on the status of major bills:

School Policy and Funding

SB2150 is the education policy bill that contained recommendations of the Commission on Education Improvement.

SB2013 is the Department of Public Instruction budget. A joint meeting of the House Education Committee and Education and Environment Division of House Appropriations held hearings for these bills on March 15 and 16.

Extensive summaries of the bills were presented and legislators asked many probing questions. Areas of considerable discussion included:

- Alternative teacher compensation
- Changing compulsory attendance ages from age 7 through 16 to age 6 (beginning

with kindergarten) through age 17

- Level foundation aid funding in the second year of the biennium
- Amount of foundation aid to be appropriated
- Disbursement of \$21.5 million in Federal Jobs money to schools
- Revisiting the "equity" formula

From questions asked and comments made by committee members, it appears SB2150 and SB2013 will be modified in the House and proceed to conference committee.

Anti-bullying

Bullying and its affect on some young people has been a frequent topic in national and local news for some time. It is no surprise that it would also be a topic of legislation during this Session. There were four "bullying bills" introduced. Two bills were killed before crossover.

The bill receiving most attention is **HB1465**. The term "legislative process" aptly describes following a bill from introduction to resolution. Even though NDSBA was included in meetings related to drafting HB1465, the further into the process it went, the more carefully we analyzed it. During

a hearing in the Senate Education Committee, NDSBA raised several liability concerns brought to our attention by NDSBA attorneys Gary Thune and Tiffany Johnson. They believe the bill has policy requirements relating to off-campus activity that may be outside a school district's legal jurisdiction to enforce. The bill also requires involvement of

specific school and community groups (e.g., volunteers, parents, domestic violence sexual assault organizations) in the policy development process, which could hinder districts' ability to adopt bullying policies. Since this law would require adoption of a bullying policy and substantial compliance with it in order to secure liability protection, the issues above pose critical challenges.

The Association presented amendments to HB1465 during committee deliberation. However, when North Dakota Attorney General Wayne Stenehjem was asked to the podium, he stated the bill was well researched by his office and was fine as it is. When asked about NDSBA's amendments relating to off-campus activities and policy development, he said they would "weaken the bill." In its final vote (7-0), the committee gave a DO PASS recommendation to HB1465 as it came to them from the House. Since they adopted no amendments, there will

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STUDY TOUR OF GERMANY

June 18-28, 2011

For Social Studies/History Teachers

Information and Application Available at www.ndsba.org



from the director's chair

■ by Jon Martinson, NDSBA Executive Director

Labor-Management Conference Held in Denver

A two-day conference designed to improve labor-management relations in school districts was recently held in Denver. Hosted by the U.S. Department of Education, the conference was designed to show that teachers, administrators, and school board members must forge new relationships and acknowledge their shared responsibility to transform schools into high-quality education institutions.

West Fargo Public Schools was one of 150 districts nationwide invited to participate in the conference. In his memo to district staff, Superintendent David Flowers said, "We began exploring goals for our own collaborative efforts ... and agreed that this work is very timely ... and that systems that

must be aligned include professional learning, evaluation, and compensation."

Fundamental to this transformation is the understanding that the labor-management relationship is reciprocal in nature. Only then can teachers, administrators, and school board members collaborate to "uphold rigorous academic standards, elevate the teaching profession by advancing teacher quality, drive school and instructional improvement, and make student achievement the heart of their relationship." [U.S. Dept. of Ed].

Participating partners included, among others, the National School Boards Association (NSBA), American Association of School Administrators (AASA), National Education Association (NEA), and the Ford Foundation that funded travel for representatives (teams) from 150 school districts.

Anne Bryant, executive director of NSBA, told me the conference was excellent. She said, "The focus of the conference and the reason it was so successful was that it showcased the real work of school districts that made an investment in and a commitment to collaboration. In each case, the team told their unique story and trust became the code word. They had built trusting relationships among the players and consistently held to that standard. The sense I got was that collaboration with an emphasis on student learning can get real improvement results. This is hard work, but well worth the effort."

As readers of the *Bulletin* are aware, the North Dakota Commission on

Education Improvement forwarded its own plan to improve labor-management relations, i.e., Alternative Teacher Compensation, to the legislature. The plan is a vehicle for reform that could significantly improve teacher/board negotiations regarding teacher compensation because proposals brought forward represent a collaborative effort between school board and teacher negotiators.

Teams meeting in Denver acknowledged that breaking free of the traditional win-lose structure of negotiations is difficult—even when the parties have a respectful relationship.

According to an article in *Education Week* (February 23, 2011), the underlying theme of the conference was that "teachers' unions can be change-averse, but so can administrators and superintendents, who shoulder equal responsibility for setting policy."

As Anne Bryant points out, a key ingredient is trust. Therefore, collaboration can't be done overnight. As one

conference attendee noted, "You have to have trust and respect in place to take the risks together. That kind of relationship takes time."

The fragile nature of the Alternative Teacher Compensation Plan recommended by the Commission has been evident during the Legislative Session. Despite its merits, all reference to the pay plan was stripped from SB2150 by the Senate. In hindsight, perhaps that should not have been a surprise. No doubt senators heard from some educators who simply fear transformational change and urged a no vote. Hopefully this is a temporary setback and the pay plan can be resurrected in the House. If not, it is certainly an opportunity lost.

"We began exploring goals for our own collaborative efforts..."
West Fargo Superintendent David Flowers

If your district needs assistance with nonrenewal procedures, call NDSBA at (800) 932-8791.

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The Bulletin is the official newsletter of the North Dakota School Boards Association. It is published twelve times each year and is mailed as third class mail from New Salem, North Dakota.

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LEGISLATURE

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not be a conference committee. Upon Senate passage, the bill will go to the Governor for his signature.

Teacher's Fund for Retirement (TFFR)

Teacher's Fund for Retirement bill **HB1134** increases employer and employee TFFR contributions (2% and 2% on July 1, 2012, and 2% and 2% on July 1, 2014) and increases full retirement eligibility requirements. An amendment attached in the House makes employees' 2% increases non-negotiable--so it must be paid by the employee.

The Senate Government and Veterans Affairs Committee heard testimony regarding impacts of that House amendment. According to TFFR spokespersons, altering how contributions are currently made will impact the tax deferred status of employee contributions. This also causes accounting and reporting difficulties for districts.

It has always been up to boards and their unions to negotiate what portion

of available funds will go toward salary and what portion toward benefits. There doesn't appear to be a compelling reason to change that process at this time.

Property Tax Relief

The original version of **HB1047** made few changes to the property tax relief plan adopted by the 2009 Legislature, but a House amendment made significant changes to the amount of relief a district is qualified to receive.

As introduced, the bill continued to use a district's 2008 mill levy to compute eligible relief. As amended, "2008" is stricken from the bill and replaced with "the previous tax year." This means that if a district's mill levy is higher now than it was in 2008, they would receive more in state tax relief. However, if a district's levy is lower than it was in 2008 (usually due to increased valuation), they would receive less.

Clearly some districts benefit from the amendments while others lose relief dollars. During the Senate Finance and Taxation Committee hearing, several senators noted that the state would be picking up 100 percent of some districts' local property tax increases even though the goal of the property tax relief plan

was to keep levy levels from increasing.

It is always difficult when a piece of legislation creates winners and losers. The Senate Committee will probably review legislative intent from 2009 and then decide whether they still support that purpose.

HB1047 will likely be decided during conference committee in the coming weeks.

All bills with money attached to them must be reported out of committee by March 25 and all other bills must be out by April 6. Most of the work left to be done will be in conference committees and appropriations.



superintendent vacancies

Adams and Edmore School Districts

Shared Superintendent
Contact: Diane Martinson, BsMgr.
PO Box 188
Edmore, ND 58330
(701)644-2281
diane.martinson@sendit.nodak.edu
Deadline: March 30, 2011, or until filled

Ashley School District

Contact: Teresa Dockter, BsMgr.
703 W. Main St.
Ashley, ND 58413
(701)288-3456
teresa.dockter@sendit.nodak.edu
Deadline: April 8, 2011, or until filled

Maple Valley School District

Contact: Linda Milbrandt, BsMgr.
PO Box 168
Tower City, ND 58071
(701)749-2570
linda.milbrandt@sendit.nodak.edu
Deadline: April 8, 2011

McClusky School District

Half-Time Superintendent
Contact: Cindy Miller, BsMgr.
PO Box 499
McClusky, ND 58463
(701)363-2470
Cindy.Miller.1@sendit.nodak.edu
Deadline: Open

Underwood School District

Contact: Bobbi Jo Anderson, BsMgr.
PO Box 100
Underwood, ND 58576
(701)442-3201
Bobbi.J.Anderson@sendit.nodak.edu
Deadline: Open

School Attorneys Available

The following attorneys are members of the North Dakota Council of School Attorneys (NDCSA). They are available to represent your school district should the need arise.

2010-11 NDCSA Members

Jon M. Arntson	Fargo	280-0195
William Brudvik	Mayville	786-3365
Kenneth L. Dalsted	Jamestown	252-6668
Paul F. Ebeltoft, Jr.	Dickinson	225-5297
Janel B. Fredericksen	Wahpeton	642-2668
Brian W. Hankla	Minot	852-2544
Rick D. Johnson	Fargo	237-7215
Tiffany L. Johnson, Pres.	Bismarck	223-2890
Stuart A. Larson	Hillsboro	436-4461
John Mahoney	Center	794-8760
Jack G. Marcil	Fargo	232-8957
Robert L. McConn, Jr.	Fargo	280-1901
Richard A. McKennett	Williston	572-6771
Richard W. Olson	Grand Forks	775-4688
Travis S. Peterson	New Rockford	947-2442
Jonathan P. Sanstead	Bismarck	223-2890
Duane H. Schurman	Walhalla	549-3644
R.E.T. (Richie) Smith	Wahpeton	642-2668
Gary R. Thune	Bismarck	223-2890
J. Thomas Traynor, Jr.	Devils Lake	662-4077

ND Youth Volunteers Receive National Awards

Cara Mund, 17, of Bismarck and Lexy Grenier, 12, of Grand Forks were named North Dakota's top two youth volunteers for 2011 by The Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. The awards program is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals.



Cara was nominated by Bismarck Century High School and Lexy was nominated by Grand Forks Schroeder Middle School. As state honorees, each will receive \$1,000, an engraved silver medallion, and an all-expense-paid trip to Washington, D.C., where they will join top honorees from each state for several days of national recognition events. Ten will be named America's top youth volunteers for 2011.

Congratulations to these fine young students who make a difference in their schools and communities!

NDDTSEA Annual Conference

The North Dakota Driver and Traffic Safety Education Association's 40th Annual Conference will be held at the Best Western Seven Seas Hotel in Mandan March 31-April 2, 2011. The conference theme is "Making the Connection: From the Classroom to the Car."

For additional information, access the association's web page at www.minotstateu.edu/drivered/nddtsea/. You may also contact NDDTSEA President Larry Nagel at (701)597-3730 or e-mail: larryn@westriv.com.



Board Members meet with Senator Hoeven in Washington, D.C. Front Row L to R: Angela Korsmo, West Fargo; Ben Auch, Mott/Regent; Kirsten Baesler, Mandan; Senator John Hoeven; Dinah Goldenberg, Fargo. Back Row L to R: Jim Rostad, Minot; Jim Johnson, Fargo.



Jim Rostad and Angela Korsmo meet with Senator Conrad's aide Caitlin Brosseau in Washington.