Important Bills Moving Through the Legislature

As the Bulletin goes to print, several bills on NDSBA’s tracking list have had second hearings. They will receive committee recommendations and go to the floor in the next few weeks. Several school-related bills will go to conference committees before final floor action.

Following is a brief update on the status of major bills that have been heard:

**House Bill 1215** was heard by the Senate Judiciary Committee. This bill provides for an executive session for any discussion of policy related to allowing concealed weapons license holders to possess a firearm or other dangerous weapon in a school. The bill also allows a school to create a policy authorizing individuals to carry a concealed firearm in school. If an individual is authorized to carry a concealed firearm per school district policy, local law enforcement must be informed.

**House Bill 1261** was heard by the Senate Education Committee. This bill provides an appropriation for rapid enrollment growth grants. The bill appropriates $17,000,000 for the purpose of providing a grant to any school that can demonstrate rapid enrollment growth as outlined by the bill.

**House Bill 1276** was heard by the Senate Human Services Committee. This bill was introduced at NDSBA’s request. It allows a school board or nonpublic school to establish a program for providing medication to students.

**House Bill 1319** makes changes to the funding formula used by DPI to determine the amount of state aid payable to school districts. A joint hearing was held with Senate Education and Senate Finance and Taxation. It is expected that this bill will be amended before it is presented to the full Senate and will likely result in a conference committee before final agreement is reached.

**House Bill 1465** and **House Bill 1290** were heard by the Senate Finance and Taxation Committee. These bills impose limits on tax levies.

**Senate Bill 2216**, introduced at NDSBA’s request, was heard by the House Education Committee. This bill amends the law relating to causes of vacancy for school board positions to mirror reasons listed in NDCC 44-02-01 that are used for other elected officials.

**Senate Bill 2267** that would provide $10 million to the Department of Public Instruction for school safety and deferred maintenance was heard by House Education. The bill provides a $25,000 dollar-for-dollar grant to each school district in the state. Funds could be used for school safety upgrades including metal detectors, security cameras, and limiting building access to one entrance. Remaining dollars would be allocated proportionally based on student enrollment.

A complete list of bills that NDSBA is tracking is online at [http://www.ndsba.org/legislation/billtracking.asp](http://www.ndsba.org/legislation/billtracking.asp). NDSBA updates the Legislative newsletter and Hearing Schedule each Friday.

All bills with an appropriation attached must be reported out of committee by March 29. All remaining bills must be reported out of committee by April 10.

**Caution: Negotiations Recognition Process**

If your board receives a negotiating unit petition from teachers with the following language, reject the petition and contact NDSBA:

“Pursuant to NDCC 15.1-16-11, the Board recognizes the Association as the exclusive representative of licensed personnel employed, or to be employed, by the Board, for the purposes of negotiating matters relating to the terms and conditions of employment and the employer-employee relations, including but not limited to salary, hours, and other terms and conditions of employment.”

The reason for rejection is that school boards are only required to negotiate with ESPB licensed classroom teachers and administrators who perform such duties at least 50 percent of the time. By approving a negotiating unit containing “licensed personnel,” teachers and administrators become part of the negotiating pool along with other individuals (bus drivers, social workers, paraprofessionals) who also have a license and may have grounds for contending that they are part of the negotiating unit covered by the negotiated agreement.
Reminder: Release of Student Directory Information

Federal law requires schools to provide students’ names, addresses, and telephone listings to military recruiters and colleges and universities when requested unless a parent has opted-out his or her child. Schools should not include student’s gender when releasing this information. Gender is not directory information under FERPA, meaning that it can only be released with parental consent. Some recruiters may also ask for students’ email addresses. Email addresses are directory information under law, meaning that they can be released without parental consent unless prohibited by local policy.

For a complete listing of directory information under law, see http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html. To determine local restrictions on directory information, review your student educational records policy. Schools must notify parents of the definition of directory information under local policy and provide parents an opportunity to opt-out of such disclosure.

---

from the director’s chair

by Jon Martinson, NDSBA Executive Director

Hoeven-Pryor Introduce Bipartisan Sensible School Lunch Act

Senators John Hoeven (R-N.D.) and Mark Pryor (D-Ark.), together with a bipartisan group of Senators, introduced a bill called the Sensible School Lunch Act. The new legislation will provide school districts with greater flexibility in implementing new rules for the National School Lunch Program and School Breakfast Program to accommodate differing nutritional needs of students.

Last year, the U.S. Department of Agriculture (USDA) released its final rule for the Healthy, Hunger-Free Kids Act of 2010, which requires new standards for school meals, effective at the start of the current school year. The final rule attempted to curb obesity among youth by strictly limiting calories, protein, and grains for all students without any flexibility to meet needs of students whose dietary requirements do not fit the guidelines. Additionally, complying with the rule exceeded federal funding by at least a projected $75 million a year, according to the USDA, placing greater strain on school budgets.

In December 2012, USDA retracted its strict limits on proteins and grains to give schools more flexibility, while keeping in place the upper cap on total calories. Unfortunately, the USDA granted this relief only through spring 2013 and recently extended it through the spring of 2014.

The Hoeven-Pryor bill would make USDA’s temporary modification to the school meals regulation permanent instead of a piecemeal year-by-year approach. The bill would lift the cap on proteins and grains, so schools have more flexibility to serve a range of students as they comply with the new nutrition standards.

Specifically, the senators’ legislation would allow more flexible portions of proteins and grains in the federal school meals program, while leaving in place the rest of the regulation, including the total calorie cap and its emphasis on fruits, vegetables, whole grains, and non-fat dairy selections.

Professional school nutritionists and food preparers welcome the bill because it gives them flexibility to meet the needs of all students, rather than applying a one-size-fits-all rule. At the same time, the total calorie cap remains in place to ensure healthy meals in proportion, allowable fruits are increased as compared to before, and vegetable servings are unlimited.

Hoeven said, “Our new legislation will give food preparers at our schools flexibility to provide nutritious, satisfying meals for growing youngsters and, at the same time, address such important issues as childhood obesity and poor nutrition. This bill just applies common sense to the rules and makes sure they’re both effective and reasonable.”

---

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.

EDITOR Annette Bendish
PUBLISHER North Dakota School Boards Association
PO Box 7128
Bismarck, ND 58507-7128
TELEPHONE 1-800-932-8791
LOCAL (701)258-4127
FAX (701)258-7992
WEB SITE www.ndsba.org
EXECUTIVE DIRECTOR Jon Martinson, Bismarck
OFFICERS PRESIDENT Greg Allen, Jamestown
VICE PRESIDENT Jim Rostad, Minot
PAST PRESIDENT Angela Korosmo, West Fargo
DIRECTORS Ben Auch, Mott/Regent
Jennifer Johnson, Laramore
Jim Johnson, Fargo
Mike Lautenschlager, Berthold

MARCH 2013
Students Honored for Volunteer Spirit

Nicolette Cariveau, 17, a junior at Grand Forks Central High School and Lyndsey Scheurer, 14, in eighth grade at Horizon Middle School in Bismarck were honored as North Dakota’s top two youth volunteers for 2013 by the Prudential Spirit of Community Awards, a nationwide program recognizing young people for outstanding acts of volunteerism.

Each of the 102 State Honorees will receive $1,000, an engraved silver medallion, and an all-expense-paid trip in early May to Washington, D.C., for four days of national recognition events. During the trip, ten of them will be named America’s top youth volunteers for 2013.

Two other North Dakota students were recognized as Distinguished Finalists: Ariana Herman, 16, Bismarck High School, and Levi Schlosser, 17, Mandan High School.

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

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

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

Jim Johnson discusses federal legislation.
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.

NDCSA MEMBERS 2012-13
Jon M. Arntson Fargo 280-0195
Annette Bendish NDSBA Legal Counsel (800)932-8791
William J. Brudvik Mayville 786-3365
Rachel Bruner-Kaufman Bismarck 223-2890
Amy C. Clark Wahpeton 642-2668
Kenneth L. Dalsted Jamestown 252-6668
Paul F. Ebeltoft, Jr. Dickinson 225-5297
Tiffany L. Johnson Bismarck 223-2890
Stuart A. Larson Hillsboro 436-4461
Jack G. Marcil Fargo 232-8957
Richard W. Olson Grand Forks 775-4688
Travis S. Peterson New Rockford 947-2442
Christina A. Sambor Bismarck 223-2890
Jonathan P. Sanstead Bismarck 223-2890
Duane H. Schurman Walhalla 549-3644
James H. Stewart Fargo 280-0195
Gary R. Thune Bismarck 223-2890
J. Thomas Traynor, Jr. Devils Lake 662-4077
Wyatt Voll Williston 577-6771
Scott D. Wegner Bismarck 255-1008
Joseph A. Wetch, Jr. Fargo 232-8957

Human Resource Collaborative for Local Government

The Human Resource Collaborative for Local Government will be hosting four one-day seminars in various locations around the state. The focus of these sessions will be Wage & Hour Requirements and Sexual Harassment.

Online registration and more information is available at www.ndaco.org/hrtraining.

Locations:
May 8 Valley City
May 9 Grand Forks
May 15 Dickinson
May 16 Minot

Maple Valley School District
Contact: Linda K. Milbrandt, Business Manager
PO Box 168
Tower City, ND 58071
linda.milbrandt@sendit.nodak.edu
(701) 479-2570
Deadline: April 15, 2013

Golva Elementary School
Superintendent/Principal
Contact: Leah Zook, Business Manager
PO Box 170
Golva, ND 58632
(701) 872-3674
Deadline: open until filled

Lidgerwood School District
Half-time Superintendent
Contact: Jon Martinson
(701)255-4127
jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: April 17, 2013

Lidgerwood School District
Half-time Principal
Contact: Jon Martinson
(701)255-4127
jon.martinson@ndsba.org
Application: www.ndsba.org
Deadline: April 17, 2013