



# bulletin



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Excellence in North Dakota public education through local school board governance ■ VOL XXXVI ISSUE 5

## Education Bills Passed in Final Days of Legislative Session

Another Legislative Session concluded and new laws are in Century Code. The April *Bulletin* summarized bills that passed before the final days. This issue provides a summary of four education bills acted on toward the end of the Session.

While major K-12 bills were among the last to pass, there was little debate or opposition to final passage of **SB2150** (policy bill) or **SB2013** (DPI budget bill). Conference committees on these two bills worked professionally and efficiently to produce final products that received wide support on the floor of both chambers.

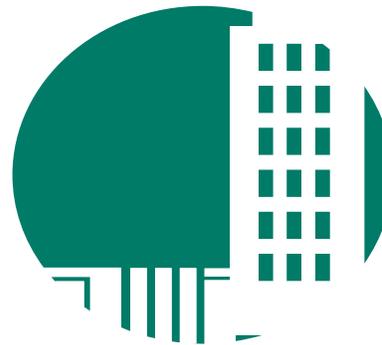
SB2150, as it passed the House and Senate, contains 47 Sections. All board members, administrators, and business managers should review SB2150 and SB2013 thoroughly. Following are final decisions pertaining to issues that garnered the most interest among NDSBA members.

### Final version includes:

- Foundation aid payments are \$3,910 and \$3,980.
- Restores \$2.5 million in contingent transportation funds bringing the contingency payout back up to \$5 million.
- Establishes a .006 factor to fully fund Power School--including those contracted to acquire it during upcoming school years.

These Power School payments will go directly from DPI to ITD. There will no longer be a "technology factor."

- Increases the special education factor to .079, effective July 1, 2012.
- Provides \$300,000 in grants for eligible alternative middle school programs in 2012-13.
- Establishes a .15 factor per student enrolled in an alternative middle school program for at least an average of 15 hours per week. This factor is for 2013-15 school years only--it may or may not be available after June 30, 2015.
- Provides \$5 million from the oil and gas impact grant fund to assist districts with rapid enrollment growth of at least 7% (minimum of 25 new students) based on fall enrollment. Grants are only available during the 2011-13 biennium.
- Requires and funds the writing portion of the ACT test for



academic scholarship eligibility.

- Alters the explanation for computing districts' 70% of state aid that has to go to teacher compensation.

### Final version does not include:

- Alternative Teacher Compensation (Supplemental Teacher Effectiveness Compensation Plans) language and funding
- Deferred maintenance grants
- Compulsory kindergarten and attendance to age 17
- Principal mentorship
- Writing test for Career and Technical scholarships
- A delay in implementing 182 calendar days/175 instructional days (this increase will go into effect for 2011-12 school year as current law requires)
- Continuation of the Commission on Education Improvement

SB2013 included legislative intent language making it clear that the state will NOT continue or replace money received by districts as a result of the Federal Jobs Bill. As was true with other stimulus funds, districts should not budget Jobs money for ongoing contract expenses.

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## NDSBA Membership Dues Statements Sent

NDSBA dues statements have been sent to district business managers. School districts in North Dakota have long appreciated the support, training, information, and legislative advocacy provided by the North Dakota

School Boards Association. When public school boards join together, they make a difference in their own effectiveness and overall support for public education. Thank you for allowing NDSBA to serve you!



# from the director's chair

■ by Jon Martinson, NDSBA Executive Director

## From Resolutions to State Law: NDSBA's Legislative Success

After 78 days, the 2011 Legislative Session concluded the state's business on Thursday, April 28. Thanks to our legislators for their willingness to serve and for their commitment to the state of North Dakota.

You will recall that resolutions passed by the 2010 Delegate Assembly included support for:

- Work of the Commission on Education Improvement
- School districts to conduct up to two fewer student contact days for kindergarten than required by the state, provided those days are dedicated to readiness and formative assessment of incoming kindergarten children prior to the start of school

- Changes in the Teachers' Fund for Retirement (TFFR) and Public Employees' Retirement System (PERS)
- A change in time and location for the announcement and reception for the North Dakota Teacher of the Year
- State funding for preschool programs meeting prescribed standards
- Funding to initiate a pay-for-performance program (alternative teacher compensation)

SB2150 contains policy recommendations by the Education Commission. This bill contains comprehensive and far-reaching components that keep our education system moving forward. Thanks to Senators Tim Flakoll, Ray Holmberg, and David O'Connell, as well as Representatives RaeAnn Kelsch, Kathy Hawken, and Lois Delmore for sponsoring the bill. Incidentally, the legislature decided not to support continuation of the Education Commission. That's unfortunate. Given the Commission's purpose—initially fine-tuning the equity formula and later working to define an "adequate" education—the Commission has been an outstanding vehicle for improving K-12 public education over the past three legislative sessions.

Legislators passed HB1273 that allows time to conduct readiness testing and formative assessments of incoming kindergarten students. Districts may use up to two days for this activity and count them as instruction days. Attendance of kindergarten students on those days is limited to the period of time during which testing and assessment is scheduled.

After considerable discussion and debate, HB1134, which specifies contribution increases for members of TFFR, was passed. The bill calls for an increase of two percent paid by both employee and employer beginning July 1, 2012, and another two percent increase by employee and employer on July 1, 2014. For public employers participating in PERS, SB2108 requires an increase of one percent for employees and one percent for employers beginning January 1, 2012, and an additional one percent by employee and employer beginning January 1, 2013.

NDSBA was successful in advocating for a change in the North Dakota Teacher of the Year Program. The resolution passed by the 2010 Delegate Assembly recognized that the teacher of the year represents all teachers in the state and that the announcement and certainly the reception should be open to the public. Recently signed by the Governor, SB2311 requires that, by September 30 of each year, the Governor and superintendent of public instruction serve as hosts of a ceremony and reception honoring the teacher of the year. The event will take place in the Memorial Hall of the Capitol or, if the recipient prefers, at his/her home town or school.

The education policy bill (SB2150) includes an appropriation of \$625,000 for the preschool program *Gearing Up for Kindergarten*. The program was supported by the Education Commission.

Lastly, a note about the legislative fate of the pay-for-performance (alternative teacher compensation) initiative which was not included in legislation this Session. The board of directors of all three education associations (NDSBA, NDCEL, and NDEA) gave approval to pursue this concept. Intent was to develop a system of paying teachers that was not based solely on years of experience and education. Rather, it called for providing (increasing) teacher pay based on multiple factors such as hard-to-fill positions, added knowledge/skills/professional development, student achievement, and added responsibilities such as mentoring, coaching, or

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## bulletin

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## ■ EDUCATION BILLS

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Although the battle to begin developing alternative compensation systems was lost, overall SB2150 and SB2013 provide well for K-12 education. Ever since a K-12 comprehensive policy bill has been developed by the Commission on Education Improvement and the Governor's office, great care has been taken to cover expenses of new or expanded programs. Provision for the Commission to continue was not included in SB2150 and its authorization expired December 31, 2010. It is a giant step backward to return to haphazard bills being introduced with no continuity, context, or comprehensive calculation of cost to districts. It is also unfortunate that the Governor's budget recommendations for K-12 will no longer be tied to the Commission's well studied initiatives. NDSBA is extremely sorry to see the process stymied by the legislature's unwillingness to recognize the Commission's value.

You can access a complete summary of SB2150, as well as pertinent education finance information, by clicking "Summary of SB2150" on NDSBA's home page at [www.ndsba.org](http://www.ndsba.org).

A bill that languished painfully in conference committee for 12 frustrating meetings was **HB1229**, referred to as the "abstinence" bill. It was NDSBA's position that schools choosing to teach sex education as part of their comprehensive health curriculum already emphasize abstinence from sexual activity as the healthiest choice for adolescents and that the legislature overreaches by stating mandatory curriculum content in North Dakota Century Code. However, the majority-party Senate conferees would not move from their position that specific abstinence concepts should only be taught referencing marriage. In the end, House amendments that softened the language were adopted by the committee, although the word "marriage" remained in the bill. Aside from Senator Luick and Representative RaeAnn Kelsch who carried the bill to the floor of their respective chambers, only Senator Triplett spoke on HB1229 saying, "I will be voting against the bill. This kind of health care teaching has been going on

in the state for a long time...we're not reinventing the wheel here; we're adding a value judgment to it."

It is important to note that the final version of HB1229 requires inclusion of stated abstinence concepts but does NOT require abstinence-only instruction.

Following is the final version of HB1229: "Each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity before and outside of marriage."

The TFFR contributions and benefits bill, **HB1134**, also required double-digit conference committing meetings to settle. Majority-party House conferees were holding out for a provision that required teachers to pay the employee contribution increase themselves--eliminating the option to negotiate it as an employer-paid benefit. Senate conferees were equally adamant that contributions remain a negotiable item. Committee Chair Representative Grande emphatically stated that school boards paying employee contributions cause teacher salaries to remain low. However, the bill that went to the floor of the House and Senate maintains negotiability of employee contributions.

TFFR contributions will increase two percent for employers and two percent for employees on July 1, 2012, and another two percent and two percent on July 1, 2014. School boards should be mindful of these increases when negotiating and budgeting for the upcoming biennium. Districts must also take into consideration that **SB2108** raised PERS contributions one percent for each side effective January 1, 2012, and another one percent for each side on January 1, 2013.

While several bills passed this Session contain new responsibilities for local school districts, NDSBA knows that board members, administrators, business managers, and teachers will rise to the challenge.

Thank you to board members who maintained open communication with legislators this Session. Your input makes a difference!

## Resolutions Set NDSBA's Positions

NDSBA members create the association's legislative agenda through adoption of resolutions. Education issues have become prominent in state and federal legislative discussions. Local school boards need to be heard. Submission, discussion, and adoption of resolutions give board members the opportunity to express their positions on optimal ways to govern and fund school districts, enhance and improve student achievement, and deliver rich curriculum to all students. Academic rigor, fair assessment, teacher quality, and delivery of services are all critical topics that need serious thought and discussion.

NDSBA resolutions fall into one of two categories: *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](http://www.ndsba.org) under both the "About Us" and "Legislation" links. Resolutions adopted in 2007 will be dropped this year unless recommended for re adoption.

It's time to think about resolutions your board may wish to submit. The 2011 Legislative Session showed signs of a shift in political philosophy that moves 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, collective bargaining, teacher tenure, administrator salary limitations, defined contribution retirement plans, and local control of curriculum content.

Only resolutions received by **4:00 p.m. on Monday, August 15**, will be considered by the NDSBA Governmental Affairs Committee for recommendation to the Delegate Assembly at the Annual Convention.

## ■ DIRECTOR'S CHAIR

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instructional leadership. This effort at reform of teacher pay was to be a component of a systematic process for school improvement along with many new practices contained in SB2150.

It is likely that the reauthorization of the Elementary and Secondary Education Act will require states to define "teacher effectiveness." Those of us who advocated for alternative teacher compensation believe this definition would have been met in the way it was described and outlined in the original bill draft. However, all references to alternative teacher compensation were deleted from SB2150 early on in the legislative process and it was an uphill battle to get language back in. Even though that was frustrating and disappointing, we learned good lessons about being out front (other states are just beginning to wrestle with a similar initiative). Despite the fact that North Dakota could have taken a leadership role in this area, we will take time to review what we could have done better and work during the interim to visit with teachers, administrators, board members, and legislators to gather more support.

It was an honor to represent our association during the legislative session and to advocate not only for specific resolutions but also for the many issues impacting North Dakota's public schools.

## ND Receives Grant to Reduce Hunger and Improve Nutrition of School-Aged Kids

Agriculture Secretary Tom Vilsack announced investments in three states that will take an important step toward eliminating childhood hunger in America. State agencies in North Dakota, New Mexico, and Connecticut will receive grants to reduce paperwork and expedite certification of students for free meals in the National School Lunch and School Breakfast Programs. Through the new direct certification, states and local educational agencies automatically enroll children for free school meals without the child's family needing to complete and return a paper application.

"Improving access to nutrition programs is critical to ending childhood hunger and ensuring that every eligible child is receiving healthy meals during the school day," said Vilsack. "These direct certification grants will help school districts eliminate some of the paperwork involved with the School Lunch and School Breakfast programs, giving more children access to nutrition they need to grow up and win the future."

State agencies can use grant funds to plan and implement technology solutions to identify students eligible for free meals by matching school records with federal assistance program records. North Dakota will receive a \$111,744 grant.

USDA's Food and Nutrition Service oversees 15 nutrition assistance programs that touch the lives of one in

four Americans over the course of a year. The programs work together to form a national safety net against hunger. The National School Lunch and School Breakfast Programs provide nutritionally balanced free and low-cost meals to nearly 32 million school children each school day.



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Deadline: Open



### **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