



bulletin



MAY 2015

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

Six ND Seniors Chosen As Presidential Scholar Semifinalists

Superintendent of Public Instruction Kirsten Baesler announced that six North Dakota high school seniors have been named as semifinalists in the U.S. Presidential Scholars Program.

Being named as a Presidential Scholar is one of the most distinguished academic honors a high school student can attain.

“North Dakota is so proud of these six young men and women,” Baesler said. “They really exemplify the finest of North Dakota students. They have demonstrated leadership and scholarly efforts, and have great plans for their future.”

The semifinalists are:

Brandon P. Christman, Berthold, a senior at Minot High School’s Magic City Campus. Christman plans to study physics and philosophy at the University of Edinburgh in Scotland, United Kingdom.

Carl F. Denton, Fargo, a senior at Fargo North High School. Denton is attending Harvard University in the fall and intends to study physics, with an eye toward becoming a college physics professor.

Samantha M. Goerger, Wyndmere, a senior at Wyndmere High School. Goerger plans to attend Princeton University to study international relations and hopes to do community service work in India during her college career.

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Hoeven, King Introduce Healthy School Meals Flexibility Act

Senators John Hoeven (R-ND) and Angus King (I-Maine) recently introduced the bipartisan Healthy School Meals Flexibility Act in the Senate (S.1146). The Healthy School Meals Act would provide permanent flexibility for schools to comply with the USDA’s sodium and whole grain requirements under the National School Lunch and Breakfast programs.



Senator John Hoeven

The legislation does not change any other current requirements for calories, fruits, or vegetables.

“This legislation is all about providing both good nutrition and flexibility.”
Senator Hoeven

“We’re working with school nutrition professionals from across the country on the Healthy School Meals Flexibility Act to ensure that our schools have local flexibility in meeting sodium and whole grain requirements, while maintaining healthy nutritional standards,” said Hoeven. “We want to make sure that our schools can serve healthy and nutritious meals that our students like, while also making their budgets. This legislation is all about providing both good nutrition and flexibility.”

The Healthy School Meals Flexibility Act is endorsed by national school organizations including the School Nutrition Association (SNA) and the National School Boards Association.

The Healthy School Meals Flexibility Act

- **Whole Grains:** Since July 2012, at least half of all grains offered with school meals have been whole-grain rich. In July 2014, USDA required that 100 percent of all grains be whole-grain rich. The Healthy School Meals Flexibility Act restores the requirement back to 50 percent of total grains to ensure continued access to a wide variety of grain products. This will enable schools to serve items like biscuits, tortillas, and pasta that students will eat. In December, Hoeven worked to include a provision in the Agriculture Appropriations bill that allows schools that establish a hardship with the 100 percent whole-grain food requirement to serve meals with 50 percent whole-grain rich foods. This legislation would provide permanent flexibility for all schools.
- **Sodium:** Prevents the Department of Agriculture from requiring further sodium reductions in school meals below the current Target 1 level, which became effective in July 2014. If additional sodium reductions are implemented, schools would have a difficult time meeting targets when serving healthy foods with naturally occurring sodium, including milk, cheese, and meat. For example, schools would be unable to serve healthy choices like low-fat, whole grain cheese pizza, many Asian dishes, and deli sandwiches.

NDSBA Membership Dues Statements Sent

NDSBA dues statements have been sent to district business managers. School districts in North Dakota have long benefited from 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.

comments of counsel



by Annette Bendish, NDSBA Legal Counsel

The North Dakota Attorney General recently issued opinion **2015-O-08** regarding an inquiry into whether a school board committed an open meeting violation by asking people to leave the room during an open meeting and by refusing to provide copies of meeting minutes.

The school board is in the process of collecting salary information of all faculty members. Once the board has collected the data, the board intends to review state polices and implement a new pay schedule. During a special meeting to discuss teacher contracts and possible changes to employee salaries and wages the board asked two teachers who were in attendance to leave the room.

The Attorney General opined that unless otherwise provided by law "all meetings of a public entity must be open to the public. . . . Denial can be explicit or constructive. It is a violation of open meetings law when members of the public are asked to leave an open meet-

ing when there is not statutory authority for closing such meeting."

The board denied having an executive session during the meeting, but simply said that it asked the teachers to leave so it could discuss confidential information. However, discussing teacher salaries generally is not confidential information. The Attorney General found that an open meeting law violation occurred.

The Attorney General also addressed the second issue, which was the refusal to provide copies of meeting minutes. At the time of the request, the meeting minutes were not yet prepared; therefore, it was not a violation to not respond to the request at that time. However, once prepared, the minutes must be provided regardless of board approval.

The board was required to amend its minutes to provide a detailed account of what was discussed during the meeting. The board was also required to provide a copy of the minutes to the requestor, if it had not already done so.

■ SCHOLARS

Continued from page 1

Lydia L. Hanna, Fargo, a senior at Fargo South High School. Hanna plans to attend the University of Minnesota's Carlson School of Management to study business management and entrepreneurship.

Casandra J. Rutschke, Zeeland, a senior at Zeeland High School. Rutschke plans to attend North Dakota State University to study business administration and marketing.

Adam D. Vareberg, Fargo, a senior at Fargo Davies High School. Vareberg plans to attend the University of Pennsylvania's Wharton School to study business and biomedical engineering.

"It is very rewarding for us, as North Dakota citizens, to be able to see these young people move on with the next stage of their careers and be considered as U.S. Presidential Scholars," Baesler said.

These North Dakota students are part of a group of 565 semifinalists chosen by the U.S. Commission on Presidential

"These six young men and women...exemplify the finest of North Dakota students."
Superintendent Baesler

Scholars. The commission identified more than 4,300 high school seniors as potential candidates, out of 3.3 million seniors nationwide.

One man and one woman from the group of six North Dakota semifinalists will be chosen as the state's Presidential Scholars for 2015. They and other scholars from across the country will be honored at a recognition program in Washington, D.C., in late June.

bulletin

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)255-4127

FAX (701)258-7992

WEB SITE www.ndsba.org

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Congratulations Dr. Alyssa Martin

Alyssa Martin, NDSBA Director of Policy Services, was awarded her Doctor of Philosophy degree with a major in Educational Leadership



Dr. Alyssa Martin

at commencement exercises at the University of North Dakota on May 16, 2015. Alyssa has taken classes during the past four years while working full-time at NDSBA.


NDSBA annual
convention

October 29-30, 2015
Ramkota Hotel, Bismarck



from the director's chair

■ by Jon Martinson, NDSBA Executive Director

NDSBA Succeeds in Legislative Advocacy Efforts

After 78 days, the 2015 Legislative Session concluded the state's business on Wednesday, April 29, with two days to spare. Thanks to our legislators for their time and commitment to our state. Special thanks to Representative Mike Nathe and Senator Tim Flakoll for their stewardship as chairs of the House Education Committee and Senate Education Committee respectively.

The NDSBA Board of Directors set an ambitious legislative agenda for this session. They recommended 17 areas of state law to be changed or amended to benefit school districts and school boards. Most of those issues were incorporated into seven bills drafted by Annette Bendish, NDSBA legal counsel, and subsequently introduced by legislators on behalf of NDSBA. We were successful in passing five of the seven bills:

HB1251: Changes the timeframe that teachers have to return their contract (from 30 to 14 days); establishes a deadline (30 days) for negotiations to begin after the "representative organization" is recognized by the board; and allows a subcommittee of the board to meet in executive session to discuss negotiating strategies.

HB1316: Provides for a process for nonrenewal of principals employed less than two years and clarifies the superintendent/principal position evaluation and nonrenewal requirements.

SB2145: Extends criminal history record checks to special education units, career and technical education units, and regional education associations.

SB2152: Allows a school board to delegate suspension authority of a staff member (paid administrative leave) to the superintendent.

SB2181: Clarifies that the school board has administrative oversight of the business manager. Below is the bill's exact wording:

"The board shall exercise administrative oversight with respect to the school

district business manager unless the board has established an alternate supervisory structure that is clearly defined in the board's policy and is represented in the school district's organizational chart, and through board action, delegates to the superintendent supervisory responsibility of the business manager's daily operations."

Regarding the business manager, this bill also requires that "all financial reports, whether statutorily mandated or requested by the board, and whether written or oral, must be personally presented to the board by the school district business manager."

Lastly, the bill adds clarity to record retention requirements for school districts.

Two other bills, supported by the NDSBA Board of Directors, were introduced on our behalf; however, we were not able to get these passed:

SB2153: Created an open records exception for personnel records when a criminal investigation is pending. The records would become public after the investigation is complete. This bill failed on a 4-2 Do Not Pass vote in the Senate Judiciary Committee.

HB1315: Clarified requirements for salary increases for unfillable positions. This bill passed on the House floor in a 60-32 vote, but got killed in the Senate Education Committee on a 6-0 Do Not Pass vote.

The bill would have clarified contradictory language in current statute (15.1-16.21):

1. b. "The compensation paid to a successful applicant under this section **may not be reduced in future years.**"

2. b. "... notwithstanding the terms of any agreement negotiated under this chapter, [the superintendent may be authorized by the board] to offer the level of compensation it deems necessary in order to attract a suitable and highly qualified individual **for the duration of the school calendar.**"

Our goal was to leave "may not be reduced in future years," shown in bold above, which we believe was legislative intent when passed during the 2007 Legislative Session and remove the phrase "for the duration of the school calendar."

We are pleased to have opposed the following bills that failed:

HB1461: Would have removed North Dakota from the smarter balanced consortium and prohibited use of state resources in support of the common core state standards

HB1195: Would have allowed concealed weapons in schools

HB1218: Would have reduced ending fund balances for schools

HB1474: Would have eliminated special elections; only primary and general elections would be held

SB2213: Would have changed the term of school board members from 3 to 4 years

Resolutions passed by the 2014 Delegate Assembly were also advocated for by staff and school board members during the session:

Implementation of North Dakota State Standards: **HB1461** that would have required the state to withdraw from the smarter balanced consortium and prohibit the use of state resources in support of or advancement of the common core state standards was defeated early in the session.

Funding equity for ELL: **SB2031** set aside an additional \$1 million for ELL programs in Fargo, West Fargo, Minot, and Grand Forks due to the relatively large number of ELL students living in those cities.

Increase funds for school construction loan program: **SB2178** allows the Bank of North Dakota to provide up to \$250 million to eligible school districts.

State funding for preschool programs: **SB2151** appropriates \$3 million for early childhood education through \$2,000 in state grants for children who qualify for free school lunches and a \$1,000 grant for children who qualify for reduced-priced meals.

Thanks to school board members who spoke with local legislators and to those who traveled to the Capitol and testified before committees. Your attention to the issues, involvement, and communication throughout the session had an impact.

A final legislative update is online at: <http://ndsba.org/legislation/Newsletter.asp>

RETURN SERVICE REQUESTED

Hot Topics in Human Resources Seminar

Four regional Human Resource Training Sessions for Local Governments will be held in July. Registration will begin at 9:30 and the session will start at 10 a.m. and end by 3 p.m.

The morning session will be presented by Chuck Horter who will present on policy development and review, a review of the HR Reference Guide for Local Government, and a review of legislative changes and emerging issues. The afternoon session will focus on the challenges of supervision. It will include small group discussion of real situations including many examples of forms and approaches.

Sessions will be held:

- July 15 in Bismarck
- July 16 in Minot
- July 20 in Jamestown
- July 21 in Grand Forks

Registration fee is \$40.00 which includes the session materials and lunch. SHRM credit is pending. For a detailed agenda and to register go to: <http://www.ndaco.org/hrtraining>.



North
Dakota
Century
Code

15.1-09-15. School district election - Declaration of winner.

On the sixth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election.

15.1-09-25. School board members - Affirmation or oath of office.

An individual elected as a member of or appointed to a school board **shall**

take and file with the school district business manager an affirmation or oath of office within ten days after receiving notice of the election or appointment and before commencing duties. If the individual refuses to take the affirmation or oath of office required by this section, the individual's action is deemed to be a refusal to serve and a failure to qualify for the office pursuant to section 44-02-01.



mark your calendar

2015 NDSBA Annual Convention

October 29-30, 2015
Ramkota Hotel, Bismarck

2016 NDSBA Negotiations Seminar

February 11-12, 2016
Ramkota Hotel, Bismarck

2016 NSBA Annual Conference

April 9-11, 2016
Boston, MA

2016 NDSBA Annual Convention

October 27-28, 2016
Ramkota Hotel, Bismarck