



bulletin



FEBRUARY 2017

Excellence in North Dakota public education through local school board governance ■ VOL XLII ISSUE 2

Bill to Mandate Restraint and Seclusion Policy Goes Down to Defeat

L. Anita Thomas, J.D., LL.M.

NDSBA General Counsel



The 2015 Legislative Assembly, at the behest of the Protection and Advocacy Project, passed a resolution

calling for a study of restraint and seclusion procedures in schools. The study was assigned to the 2015-16 interim education committee, which in turn considered then rejected several bill drafts that would have mandated the adoption of restraint and seclusion policies and imposed various reporting requirements on school districts.

The 2017 Legislative Assembly was asked to consider **SB2275**, which would have required that by July 1, 2018, each school board adopt a policy regarding “the use of restraint and seclusion methods by school district personnel.” The bill would also have required that each policy define “seclusion,” “physical restraint,” and “mechanical restraint” in the same fashion as that of the United States Department of Education Office for Civil Rights (OCR). It did not indicate whether these definitions were to come from statutes, regulations, OCR guidance letters, opinions, policy statements, memoranda, bulletins, or any other OCR directive that might or might not have the force and effect of law.

SB2275 required that each mandated restraint and seclusion policy had to be filed with the Superintendent of Public Instruction. It did not indicate precisely what Superintendent Baesler was to do with 179 policies. The bill did, however, require Superintendent Baesler to submit an annual report to Legislative Management regarding the policies. If the policies were to be adopted by July 1, 2018, and submitted to the superintendent, NDSBA was baffled as to what information Superintendent Baesler was expected to provide in 2019, 2020, and the years thereafter.

SB2275 would have required each school district to report all incidents of restraint and seclusion to the OCR. Every public school and school district in the country is already mandated to participate in Civil Rights Data Collection -- a project that has been underway by the OCR since 1968. There was no need to place a federal requirement into state law.

SB2275 would have required the State Longitudinal Data System (SLDS) to include the aforementioned OCR data with an administrative report that is submitted to Legislative Management. Since the SLDS report deals with SLDS issues such as further development, cost proposals, proposals for legislation, and recommendations for data sharing governance, it would have been quite illogical to include the OCR data. Moreover, the OCR data is

publicly available and this requirement would have been, at the very least, duplicative.

The ultimate question was whether SB2275 was necessary. NDSBA took the stance that it was not necessary for several reasons. First, 112 districts already have a restraint and seclusion policy in place and 8 more are in the process of adopting one. Those districts represent nearly 81,000 students – more than 76 percent of all North Dakota public school students. The remaining districts, many small and rural among them, have not seen the need at this point to pursue such a policy. They know their students. They understand the needs of their students. If laws are enacted, boards are remarkably capable of determining whether policies are needed in order to comply with the laws. They do not need outside advocacy groups making that determination.

Boards also do not need to enact policies that would require the use

Continued on page 4



Election Deadlines

North Dakota election laws are specific regarding dates and deadlines. Relevant election law is found in NDCC 15.1-09. Election deadline information and a sample calendar were included in the January Bulletin and are posted on NDSBA’s website under QUICK CLICKS.

Superintendent Evaluations

North Dakota law requires that a school board complete the superintendent’s evaluation **BEFORE MARCH 15**. A sample evaluation form is available on NDSBA’s webpage under RESOURCES.

Negotiations Seminar

The 2017 NDSBA Negotiations Seminar was held on February 9-10 at the Ramkota Hotel in Bismarck. Two early bird sessions were held on Thursday, February 9, that addressed superintendent evaluation and teacher nonrenewal.

The Negotiations Seminar on Friday, February 10, addressed negotiations basics and strategies for successful negotiations. In addition, Pam Sharp, ND Office of Management and Budget, provided information on the state budget forecast for the 2017-19 biennium and Superintendent Paul Stremick shared his thoughts on the state budget projections and how it will affect school districts.

At the end of the day, Dean Rummel, Chair of the ND Education Fact Finding Commission, discussed the impasse process.



Bill Encourages Education Innovation



State Superintendent Kirsten Baesler joined a group of legislators and education leaders on February 16 to support

approval of **SB2186**, a bipartisan bill that would give school districts more freedom to use innovative ways to help students learn.

The legislation gives local school boards the opportunity to submit proposals to the state that would encourage diverse approaches to instruction and provide improved educational and academic opportunities for students. Baesler said the aim is to encourage school districts to draft plans for providing 21st Century learning experiences for students and to show how well they work. Any plan would have to be approved by the local school board and have support from parents, community members, teachers, and staff.

Local school districts would decide whether to undertake any innovation initiative, Baesler said, adding that projects would not require additional

money from local property taxpayers or the state. "This innovative learning pilot program encourages districts to seek better results with the funds already in place," she said.

"Innovation requires us to think differently and openly analyze our current practices," Baesler said. "This bill promotes innovative thinking with planning so that North Dakota districts may prepare a customized learning approach for their students."

Sen. Nicole Poolman, R-Bismarck, is the primary sponsor of SB2186. The North Dakota Senate approved it unanimously, 44-0, on February 10.

To encourage thinking about education innovation in North Dakota communities, the Department of Public Instruction, North Dakota United, and the Greater North Dakota Chamber hosted showings of the education reform documentary "Most Likely to Succeed" late last summer in seven North Dakota cities. North Dakota lawmakers have been invited to a screening of the film at the state Heritage Center.

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

Jon Martinson

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

EXECUTIVE DIRECTOR

Jon Martinson, Bismarck

OFFICERS

PRESIDENT

Jim Johnson, Fargo

VICE PRESIDENT

Mike Lautenschlager, Berthold

PAST PRESIDENT

Jim Rostad, Minot

DIRECTORS

Roger Johnson, Kenmare
Karl Lembke, Bismarck
Patti Stedman, West Fargo
Holly Stromsodt, Finley-Sharon

Incentivizing Dual Credit Teachers to Meet New Academic Qualifications



The Higher Learning Commission, an entity that accredits North Dakota institutions of higher education,

revised its guidelines regarding faculty qualifications and extended the new requirements to individuals who teach dual credit courses. Such individuals will now be required to hold a master's degree and have 18 graduate credit hours in the field being taught. A dual credit biology teacher will have to have a master's degree in biology. A master's degree in education will no longer suffice.

The requirement was originally slated to take effect on September 1, 2017. However, the North Dakota University System was granted an extension until August 31, 2022. While the system

stands behind the quality of its dual credit instructors, the reality is that more than 60 percent do not meet the credit hour requirements. Over 90 dual credit faculty will need 1-18 credit hours and more than 60 faculty will require in excess of 18 credit hours.

North Dakota school districts offer their students dual credit in a variety of courses including English, history, mathematics, biology, physics, computer science, etc. Students who are successful in their dual credit courses are successful in their college years and often graduate ahead of schedule and with much less debt than their peers. North Dakota ranks third in the nation in the delivery of dual credit courses and all of the dual credit courses are transferable to our state colleges and universities.

How can we ensure that North Dakota remains a leader in providing dual credit opportunities to students? One option is to create incentives for current dual credit instructors to pursue the necessary graduate work. Senate Bill 2244 does just that. For each dual credit course that is taught at a public or a private high school, the teacher is entitled to receive a coupon that can be applied to the cost of tuition for one graduate level credit at any public institution of higher education in this state. If the individual requires a course that is not offered by such an institution, the individual may receive an equivalent dollar amount to be applied toward enrollment elsewhere. Dual credit instructors who already meet the new standards may transfer their coupons to a family member or even to a student in the dual credit course.

SB2244 is sponsored by Senate Education Chairman Don Schaible, Senator David Rust, and Senator Erin Oban, and by House Education Chairman Mark Owens, Representative Dennis Johnson, and Representative Mike Nathe.

Teacher Shortage: Questions for School Board Members

Even in those lucky states with plenty of teachers, individual districts can have trouble filling positions. State and federal policy can help support a better supply and distribution. But the exact staffing needs will vary as much as communities do from each other. How a district addresses a shortage depends on understanding why it exists, in what areas, and which groups of students are most affected by it.

School boards should keep the following questions in mind as they consider the staffing needs in their district:

Do we have enough teachers?

How many vacancies do we have? What is the applicant-to-vacancy ratio? Are there particular subjects or specialized areas, such as math or bilingual education, that are harder to staff than others? Are there schools in our district that are harder to staff than others?

Are our teachers qualified?

Do we have evidence of the quality of the programs that produce our teacher candidates? Are all teachers licensed in the area of their assignment? Do we have teachers with emergency credentials? How many? Where do they teach and to which groups of students?

Are we able to recruit qualified teachers?

How do our salaries compare to neighboring/comparable districts? Can we provide incentives in shortage areas, for example, differential pay, signing bonuses, student loan forgiveness? Do we provide mentoring for new teachers? How effective are our induction programs?

How are we doing at retaining qualified teachers?

What is our turnover rate? How does it compare to other districts? Do some schools in our district have higher turnover than others? Do teachers feel well supported in their school? Do we provide time and resources for teacher collaboration and learning? Do we provide opportunities for leadership development for principals?

Can we grow our own?

Do a significant share of our teachers come from certain universities? Do we have a partnership with these universities? Can we collaborate on recruiting and training qualified candidates in order to maintain a steady supply of good teachers in our schools?

Patte Barth is Director, Naomi Dillon is Managing Editor, Jim Hull is former Senior Policy Analyst and Breanna Higgins is the spring 2016 Intern for the Center for Public Education.



Larimore School District

Reopened: Salary \$90 - \$120,000

Contact: Jon Martinson

(701) 255-4127

Email: jon.martinson@ndsba.org

Application: www.ndsba.org

Deadline: March 1, 2017

Position begins: July 1, 2017

Hebron School District

Contact: Paulette Elder, BsMgr

PO Box Q

Hebron, ND 58638

(701) 878-4442

Email: paulette.elder@k12.nd.us

Deadline: March 3, 2017

Position begins: July 1, 2017

Wilton School District

Contact: Jon Martinson

(701) 255-4127

Email: jon.martinson@ndsba.org

Application: www.ndsba.org

Deadline: March 15, 2017

Position begins: July 1, 2017



RETURN SERVICE REQUESTED

■ **Bill Goes Down**

Continued from page 1

of precious staff training time and dollars for no purpose. SB2275 had appropriated \$500,000 to the Department of Public Instruction for “training” but neglected to provide districts with any additional professional development days or with the dollars necessary to pay the teachers, aides, bus drivers, janitors, cooks, etc., while they underwent the training.

The most important reason why NDSBA worked to defeat SB2275 was that the bill did nothing to alleviate, mitigate, or even begin to address the student behavioral health challenges that many of our districts face every day. Schools are education providers. They are not mental health providers. They are not behavioral health providers. No policy, however well intended, puts special education

teachers, trained aides, or counselors in our schools. No policy, however well intended, creates openings for students to be evaluated when psychologists and therapists are booked solid for weeks or months. No policy, however well intended, enables a hospital to keep a student who has been brought there when the issue is not medical. No policy, however well intended, creates residential bed space when none is available or provides parental insurance coverage for such services.

NDSBA recognizes that student behavioral health is a systemic concern. It impacts students who need services and students who do not. It raises issues of safety and security for all students and staff. It is a challenge for families and communities alike. A bill requiring a policy is not the answer.

NDSBA will continue to seek a strengthened commitment on the part of the state to actively pursue solutions

that will ensure access to services and a collective and coordinated approach to addressing the behavioral health issues that students are bringing into our schools.

Thank you to the 36 Senators who helped to defeat SB2275.



mark your calendar

**2017 NSBA
Annual Conference**
March 25-27, 2017
Denver, Colorado

**2017 NDSBA
Annual Convention**
October 26-27, 2017
Ramkota Hotel, Bismarck

2018 NDSBA Annual Convention
October 25-26, 2018
Ramkota Hotel, Bismarck

