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

Education Savings Account Bill Becomes a Study that Should Also Be Rejected

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General Counsel, NDSBA



Almost every session, bills are introduced to try and direct public dollars into the hands of parents who choose to send their children to private schools or to homeschool their children. This session was no exception. **HB1382**, as introduced, was North Dakota's version of the Nevada Education Savings Account bill. A number of individuals and interest groups raised concerns about the concept on the House side. The bill was turned into a study and sent to the Senate.

The Education Savings Account concept is fairly new. To date, only five states have enacted such programs – Arizona, Florida, Mississippi, Tennessee, and Nevada. Nevada's program is still not implemented. It had been subjected to court challenges and now there is legislative disagreement about the use of public moneys for such a purpose.

Some people think that the topic of school choice is one that North Dakota legislators ought to study. After all, there is discussion at the federal level about alternatives to the traditional public education system. However, no amount

of study by the North Dakota Legislative Assembly is going to change the words of our Constitution.

Section 2 of Article VIII of the Constitution of North Dakota states that the Legislative Assembly "shall provide for a uniform system of free **public** schools throughout the state." That section does not authorize the financial support of private education and it does not authorize the financial support of home education.

In fact, Section 5 of Article VIII goes on to provide that "[n]o money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school." If the state cannot directly appropriate money for the support of any sectarian school, the only other option is to give it to the parents.

Therein lies the next constitutional issue. If the money is being provided to the parents,

that would fall under the prohibition of the gifting provision of the North Dakota Constitution. Section 18 of Article X states that "neither the state nor any political subdivision thereof shall otherwise loan or give its credit **or make donations to or in aid of** any individual, association or corporation

except for reasonable support of the poor"

One cannot "study" his or her way around the Constitution. As long as those words exist in that document, a study of this concept is strictly academic.

“ One cannot “study” his or her way around the Constitution.

”

More importantly, this coming interim, we will have to harness our collective resources to thoroughly examine that which we are already

doing. Like most governmental entities, K-12 education is being asked to do more with less. We are being asked to be flexible and innovative. We will work hard to meet those expectations. That's our new reality. We recognize that.

We also recognize that negotiated salary schedules have a built-in cost to continue. We recognize that health care costs, and utility bills, and bus replacements, and roof repairs, are not stagnant—neither are the

Continued on page 2



2017 NDSBA Annual Convention – Request for Clinic Topics

The 2017 Annual Convention Clinic Session proposal form is available online at www.ndsba.org (under Quick Clicks) to submit suggestions for a convention clinic session and/or presenter. The deadline for session proposals is **May 1, 2017**.

For additional information, contact Jon Martinson at jon.martinson@ndsba.org.

■ EDUCATION BILL

Continued from page 1

costs associated with professional development, special education, English learners, social services, security, behavioral health issues, civil rights issues, textbooks, and electronics; and the list goes on and on.

Growing districts have that many more students requiring services and districts with declining enrollments have to figure out how to maintain their services with far fewer per student dollars.

Perhaps right now, more than at any other time, we need to be working together to ensure that our constitutional obligations are met and that we are effectively and efficiently providing for the delivery and administration of **public** education.

Diluting this focus by redirecting energies to a program that is constitutionally impermissible in this state would not be a recommended course of action.

NSBA, AASA Joint Statement on ESSA Implementation Process

In response to the U.S. Department of Education's new guide [www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-announces-release-updated-essa-consolidated-state-plan-template] for states to use in the development of their education plans as required under ESSA, NSBA Executive Director & CEO Thomas J. Gentzel and AASA Executive Director Daniel A. Domenech released the following joint statement:

“The Every Student Succeeds Act (ESSA) was decisive in its goal to return flexibility and decision making to the state and local level. The success of a bill like ESSA—one premised on state and local control—depends on stakeholder buy-in and people (including education stakeholders) buy-in to that which they have a hand in crafting. To that end, ESSA was clear to require meaningful stakeholder engagement. Our organizations—which collectively represent the voice of our nation's school system leaders—are deeply discouraged by and concerned with the Department's decision to virtually eliminate stakeholder engagement, an abrogation of the law's intent.

“School superintendents and school board members have worked deliberately to infuse the voice of myriad stakeholders—including state education leaders, teachers, educators, parents and community members—in our ESSA work to date. The Department's decision to no longer prioritize stakeholder engagement dismisses the intent of the underlying statute, disrupts the process, and discounts voices that are committed to ensuring all students receive a quality education.

“Our organizations remain committed to making sure all stakeholders are meaningfully and appropriately engaged in the work of ESSA implementation,

and as such, we call on the Department to revise its ESSA template to reflect the best practices for stakeholder engagement to better match the law.”

“ESSA's structure is clearly predicated on meaningful consultation with stakeholders,” said Thomas J. Gentzel, NSBA Executive Director & CEO. “Any non-regulatory guidance to states, including the consolidated state plan template, should feature stakeholder engagement as a core component of implementation.”

AASA Executive Director Daniel A. Domenech added, “The public school superintendents we represent are committed to implementing ESSA as intended, including the key element of stakeholder engagement, and to ensuring educational equity and opportunity are the reality for all our nation's public schools and the students they serve.”

Business Manager Certification Program

The North Dakota School Business Manager Certification Program is now accepting applications for new students to begin courses this summer. Program information and application forms are available online at <http://ndsbmcp.org/handbooks-and-forms/>. Application forms will be accepted until **June 1, 2017**. Enrollment is limited to the first 40 students. For more information on the program, please contact rebecca.wimer@ndsba.org.



bulletin

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Budget Proposal's Cuts to Education Undermine Students and Our Nation

An Opportunity for a Long Coffee Break

The time has come for me to retire on July 1, 2017.

It's been my honor working with school board members for nearly 17 years.

Thank you!




NSBA Executive Director & CEO Thomas J. Gentzel

AN INVITATION TO
APPLY
FOR THE POSITION
OF

**EXECUTIVE
DIRECTOR**
NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION

Deadline for
applications:
May 1, 2017

Position begins:
July 1, 2017

Application available on
April 1, 2017:
www.ndsba.org

NSBA Executive Director & CEO Thomas J. Gentzel today released the following statement in response to President Donald Trump's proposed FY18 budget:

"The Administration's proposed \$9 billion cut to the education budget is irresponsible, and it would put programs and needed support services provided

by schools at risk if it is adopted by Congress. The proposal redirects hundreds of millions of dollars from public schools – often, school districts that rely most heavily on federal aid, forcing them to cut vital services or raise local property taxes.

"NSBA remains steadfast in its commitment to ensure public funds remain in public schools.

"School budgets were hit very hard during the Great Recession, yet public schools fully supported their students and enhanced public education. Further cuts will put some children, particularly children from low income families, at risk of falling behind. This cut discards one of our nation's core values – a

commitment to offer all children an equitable and quality education regardless of their zip code.

"Nine of every 10 students attend public schools so we must invest in public education if we want to enhance their lives and bolster U.S. competitiveness. Either we support public schools or we undermine them, the children

that attend them, and the nation. That is the choice before us."

- See more at: <http://www.nsba.org/newsroom/budget-proposals-cuts-education-undermines-students-and-our-nation#sthash.FjcGStvx.dpuf>

“ NSBA remains steadfast in its commitment to ensure public funds remain in public schools. ”

*Tom Gentzel, NSBA
Executive Director*



superintendent
vacancies

Larimore Public School District #44

Deadline for applications extended

Contact: Jon Martinson

(701) 255-4127

Email: jon.martinson@ndsba.org

Position begins: July 1, 2017

Application: www.ndsba.org

Deadline: March 31, 2017

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ND Teacher Shortage Persists; Student Loan Relief for Teachers Available

State Superintendent Kirsten Baesler said teacher shortages exist in 14 subjects in North Dakota, a finding that will make instructors in those subjects eligible for student loan relief and other benefits.

North Dakota Department of Public Instruction data documents shortages in the 14 subject areas, Baesler said. That makes those teachers eligible for debt forgiveness or deferrals under federal student loan programs, including Perkins and Stafford loans.

The shortage areas are economics and the free enterprise system, computer education, driver and traffic safety education, agriculture education, special education, family and consumer sciences, science, counselors, mathematics, English, music,

physical education, social studies, and elementary teachers in grades kindergarten through 8.

Baesler's announcement dovetails with efforts by the NDDPI and other education agencies to encourage North Dakotans to enter the teaching profession. Last summer Baesler assembled a task force on teacher recruitment and retention to craft potential solutions.

One option – student loan forgiveness for teachers – is being debated in the Legislature. As written, SB 2037 and SB 2243 offer as much as \$6,000 and \$25,000 in loan relief, respectively, to teachers. SB2243 offers larger benefits to new teachers who take jobs in rural, isolated school districts.



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Action**

www.ndsba.org/index.php/legislation/



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

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