



# bulletin



SEPTEMBER 2017

*Excellence in North Dakota public education through local school board governance* ■ VOL XLII ISSUE 9

## 2017 NDSBA School Law Seminar – Thursday, October 26

NDSBA invites school board members, superintendents, business managers, school staff, agency staff, and public and private sector attorneys to attend the 2017 NDSBA School Law Seminar. The seminar will begin with U.S. Attorney Chris Myers and Dr. Jeff Schatz, superintendent of Fargo Public Schools, presenting on *The Opioid Threat in North Dakota: An Educated Approach*. The presentation will include federal and state-level data, information on what is happening in North Dakota, the work the U.S. Attorney's office and statewide law enforcement are doing to address the issue, and a model being used in Fargo to assist families dealing with substance abuse and/or mental health issues.



Chris Meyers

Mr. Myers has served as acting and interim U.S. Attorney for the District of North Dakota since March 2015 and has been a federal prosecutor at the U.S. Attorney's Office for nearly 15 years. As U.S. Attorney, Chris places special emphasis on providing a voice for victims of crime in North Dakota. Specifically, his top priorities are violent crime, organized crime, Indian Country, children, environmental crime, and protecting the public treasury.

Dr. Jeff Schatz has served as the superintendent of Fargo Public

Schools since the spring of 2012. He has been active in statewide educational leadership as a member of the North Dakota High School Activities Association, North Dakota Superintendents Association, North Dakota Secondary Schools Association of Principals, and the North Dakota Interscholastic Athletic Administrator Association.

Sonja Trainor, Program Director, Council of School Attorneys, National School Boards Association, will discuss key rulings and pending cases

in the U.S. Supreme Court and lower federal courts on issues of importance to public schools, including transgender student accommodations, special education, employment, and more.

Trainor is a member of NSBA's Office of General Counsel legal team, a former school attorney and Council of School Attorneys (COSA) member. Trainor provides executive leadership inside and outside of NSBA for the improvement of the school law profession and the dissemination of superior legal information. She supports the work of the 22-member COSA Board of Directors and its committee and working groups; oversees legal

programming for the Council, including seminars, webinars, publications, and online content; and supervises the production of membership materials and tools.

Trainor graduated with honors from Washington University in St. Louis with a bachelor's degree in English literature and educational studies. She received her law degree from the



Sonja Trainor

University of Illinois, College of Law in Urbana-Champaign, where she served as a research assistant for the chair of the College of Education's Department of Educational Organization and Leadership.

Seminar attendees will hear from Brennan Quintus, Risk Security Manager at the ND Insurance Reserve Fund, regarding data breaches; Rachel Bruner-Kaufman, Attorney at Pearce Durick PLLC, regarding search and seizure; and Meredith Vukelic, Attorney

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## Convention Reminders



### Convention Rooms

If you have sleeping rooms reserved at the Ramkota Hotel for the 2017 NDSBA Annual Convention, you must give them a specific name for each reserved room by October 4 or the rooms will be released. Contact Ramkota reservations at (701)258-7700.

### Convention Delegate Designation

Convention delegates and alternates must be clearly noted on the district's registration form, which must be received in the NDSBA office **no later than October 13** in order to vote at Delegate Assembly. Only those registered as alternates **BY THIS DEADLINE** will be allowed to substitute for a registered delegate.

## ■ Law Seminar

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at Pearce Durick PLLC, regarding discrimination and harassment issues. Directors of Juvenile Court Karen Kringlie and Cory Pedersen will discuss juvenile justice in their presentation, *Do No Harm: The Unintended Consequences of Legal Remedies in the Juvenile Justice System*. Dr. Steve Holen, Superintendent, McKenzie County School District, will present on first amendment challenges, specifically the practice of providing an invocation at graduation ceremonies. Finally, the seminar will wrap up with an update from NDSBA Legal Counsel Amy DeKok on the challenge to North Dakota's tort caps stemming from the Larimore bus accident.

Registration forms and the complete schedule are available at [www.ndsba.org](http://www.ndsba.org). Check-in begins at 7 a.m., and a continental breakfast will be available at that time. Come early to avoid the long lines!

## Governmental Affairs Committee Resolutions Report

NDSBA's Governmental Affairs Committee (GAC) met on August 24 to act on resolutions for consideration by the Delegate Assembly at the Annual Convention. Participating committee members were: Jim Rostad, Chair (Minot); Jessica Boehm (McClusky); Larry Brooks (Bottineau); Susie Carlson (Northern Cass); Steve Halldorson (Devils Lake); Roger Haut (Jamestown); Dianne Hensen (Glenburn); Jim Johnson (Fargo); Mike Lautenschlager (Lewis & Clark); Don Nygaard (Finley-Sharon); and Kim Semenko (Williston).

Resolutions remain as standing resolutions for four years unless significant legislative or staff action prompt an earlier review. At the end of four years, they are dropped unless readopted by the Delegate Assembly. There were no new resolutions submitted by the deadline.

Following are recommendations of the GAC:

### **RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS WRITTEN TAXING AUTHORITY OF THE STATE.**

NDSBA shall oppose any attempt to limit the taxing authority of the state.

### **RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS AMENDED REGIONAL EDUCATION ASSOCIATIONS.**

NDSBA shall support the State of North Dakota providing separate and additional funding to REAs and work toward expanding resources to these REAs so educational opportunities for students and professional development for staff all across the state can be improved.

### **TAXING AUTHORITY OF SCHOOL BOARDS.**

NDSBA shall oppose any attempts to further limit or eliminate the taxing authority of school districts without significant gains to all districts through state funding resources.

## What Has Happened to Civility in the Board Room?

*By Randall Bennett, Tennessee School Boards Association*

When I was a young boy, my mother would tell me things that would often cause my eyes to roll. Like most kids, I would be thinking to myself, "Yeah... right!" The funny thing is that most times she turned out to be right. Let me share a few of her thoughts:

- Always do your best.
- If you are right, don't gloat; and if you are wrong, admit it graciously.
- You can catch more flies with honey than with vinegar.
- Be respectful to everyone.
- You can disagree but you don't have to be disagreeable.
- Another person's opinion is just as important to him as yours is to you.
- Listen to what others say; you might learn something.
- Try your best to get along with everyone.
- If you stop taking piano lessons, someday you will be sorry (I was really hoping she was wrong about this one).

According to the Institute for Civility in Government, civility is about more than just politeness, although politeness is a necessary first step. It is about disagreeing without disrespect, seeking

common ground as a starting point for dialogue about differences, listening past one's preconceptions, and teaching others to do the same. Does this definition describe the way your school board operates? If not, maybe it is time to rethink your approach.

So, what does it mean to be on a local school board in 2017? According to the Center for Public Education, the local school board is a critical public link to public schools. School board members serve their communities in several important ways. First and foremost, school boards look out for students. Education is not a line item on the school board's agenda – it is the only item. School boards are the education watchdog for their communities, ensuring that students get the best education for the tax dollars spent.

School boards are corporate bodies representing every part of the district. Created and empowered by state governments, they consist of groups of people with different backgrounds and skills who come together to become a single entity. Each board has a single name that refers to all the different members of the group at once.

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The logo for the bulletin features a stylized leaf icon to the left of the word "bulletin" in a serif font.

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# SCHOOL LAW SEMINAR – THURSDAY, October 26, 2017

## SCHEDULE

- 7:00 a.m. Registration and Continental Breakfast  
Welcome
- 8:00-9:00 **Do No Harm: The Unintended Consequences of Legal Remedies in the Juvenile Justice System**  
*Karen Kringlie, Attorney, Director of Juvenile Court, East Central Judicial District;*  
*Cory Pedersen, Director of Juvenile Court, South Central and Southwest Judicial Districts*
- 9:00-10:00 **The View from Washington: A School Law Update**  
*Sonja Trainor, Program Director, Council of School Attorneys,*  
*National School Boards Association*  
This session will provide information on key rulings and pending cases in the U.S. Supreme Court and lower federal courts on issues of importance to public schools, including transgender student accommodations, special education, employment, and more.
- 10:00-10:15 Break
- 10:15-10:45 **Data Breach: Information and Response**  
*Brennan Quintus, Risk Security Manager, ND Insurance Reserve Fund*
- 10:45-11:30 **Search and Seizure**  
*Rachel Bruner-Kaufman, Attorney at Law, Pearce Durick PLLC, Bismarck*
- 11:30-12:30 Buffet Lunch (included in registration fee)
- 12:30-1:30 **The Opioid Threat in North Dakota: An Educated Approach**  
*Chris Meyers, U.S. Attorney for the District of North Dakota*  
*Dr. Jeffrey Schatz, Superintendent of the Fargo Public Schools*
- 1:30-2:00 **First Amendment Challenge to the Practice of Providing an Invocation at Graduation**  
*Dr. Steve Holen, Superintendent, McKenzie County School District, Watford City*
- 2:00-2:30 **Discrimination and Harassment Issues: ND Litigation and Other Examples—Why and How to Properly Investigate Complaints**  
*Meredith Vukelic, Attorney at Law, Pearce Durick PLLC, Bismarck*
- 2:30-2:45 **A Challenge to North Dakota’s Tort Caps Resulting from the Larimore Bus Accident**  
*Amy De Kok, NDSBA Legal Counsel*
- 2:45 Conclusion of Seminar

# 2017 NDSBA ANNUAL CONVENTION

## TENTATIVE PROGRAM

Ramkota Hotel, Bismarck

### PRECONVENTION SESSIONS

#### THURSDAY, October 26

- 7:00-8:00 a.m. Registration and Continental Breakfast - Dakota Ballroom
- 8:00-2:45 **SCHOOL LAW SEMINAR** - Lamborn/Patterson
- 8:00-2:45 **NEW MEMBER SEMINAR** - Grand Pacific

### NDSBA CONVENTION

#### THURSDAY, October 26

3:00 p.m. **OPENING CONVENTION SESSION**

*Be the Best You Can Be*  
Rocky Bleier

4:00 p.m. **FIRST BUSINESS SESSION**

#### FRIDAY, October 27

- 7:30 a.m. Registration - Dakota Ballroom Coatrium
- Exhibit Visitation - Courtyard (coffee and rolls available)

8:00-9:00 **GENERAL SESSION**

*Crucial Conversations about America's Public Schools*  
Dr. John Draper

9:30-11:30 Business Manager Sessions

9:30-10:15 **CLINIC SESSIONS**

- Innovative Education Programs
- What's New at TFFR? 2017 Update
- Construction Projects from Start to Finish
- The Hidden Roots of Declining Support for Public Schools
- Budget Forecast 2017-19
- Small Organized Schools: Checklist of School Safety Policies

#### FRIDAY, October 27 (cont'd)

10:30-11:15 **CLINIC SESSIONS**

- From Good to Great: Four Tips for Creating a World Class Organization
- Mavericks, Malcontents, and Mutineers
- Conversation with State Superintendent Kirsten Baesler
- Paddling Upstream in a Public School Canoe: Public Schools that Work
- School Finance 101
- Small Organized Schools: SMART Labs – Blended & Project-Based Learning

11:30-12:15 **CLINIC SESSIONS**

- Implementing Innovation
- Mavericks, Malcontents, and Mutineers [repeat]
- Special Education in North Dakota
- 2017 Legislative Panel
- Small Organized Schools Annual Meeting

11:30-12:15 Business Managers' Lunch Buffet  
12:15-1:15 **Lunch Buffet & Exhibit Visitation**

1:15-2:15 **GENERAL SESSION**

*How Communication and Relationships Impact Student Achievement*  
C. Ed Massey

2:30-3:15 **CLINIC SESSIONS**

- Superintendent, Business Manager, and Board Evaluation
- Rural Teacher Corps Project: Stakeholder Dialogue
- 10 Things That Bug Us About Each Other: Superintendent, Business Manager, and Board Members
- Medical Marijuana in Schools
- Open Record and Meeting Laws in North Dakota
- Teaching Tribal Sovereignty on the Spirit Lake Nation

3:30

**SECOND BUSINESS SESSION AND DELEGATE ASSEMBLY**

4:30 (approx) Adjourn

# Baesler Praises Approval of New North Dakota Education Plan



State Superintendent Kirsten Baesler said Friday, September 1, that U.S. Education Secretary Betsy DeVos has approved North Dakota's plan

to replace the outdated No Child Left Behind education law. The new plan emphasizes academic improvement for all students and has better measurements of school quality, as well as transparency and accountability for North Dakota parents and taxpayers.

North Dakota's plan implements the new Every Student Succeeds Act (ESSA). It is the product of more than a year of work by a group of more than 50 education stakeholders, including teachers, parents, school administrators, legislators, and representatives of education groups.

Baesler assembled the group, which is called the ESSA Planning Committee, shortly after ESSA was signed into law in December 2015.

"North Dakota crafted our ESSA plan after extensive engagement with stakeholders in our state," Baesler said. "They created a formula of education accountability, based on our North Dakota values, which struck a balance of high expectations of proficiency and growth for all students."

Baesler said the Every Student Succeeds Act offers much greater flexibility for state and local education planning and innovation than did No Child Left Behind, which focused almost exclusively on test scores and high

school graduation rates to rank schools.

"Under NCLB, the Education Department had extensive control over local education practices," Baesler said. "ESSA returns control to the states."

Key elements of North Dakota's ESSA plan are:

- Creation of an easy to read and understand North Dakota education dashboard that will allow parents, schools, and communities to determine where to best direct resources.
- "Choice Ready" indicators will be used to measure the quality of high schools. Students will need to meet requirements in at least two of the three pathways -- college ready, career ready, or military ready -- to be considered Choice Ready.
- Ineffective teaching strategies will be evaluated and used to measure quality of instruction. The results will be used to direct targeted professional development resources and report ineffective teacher equivalents to ensure disadvantaged students are not taught at disproportionate rates by ineffective teachers.
- Implements an evidence-based framework for implementing academic supports and interventions to improve achievement for all students.
- Utilizes attainment of General Equivalency Diploma for high school accountability to meet the needs of traditional and non-traditional students, keeping true to North Dakota's commitment to meet all students' needs.

"This plan reflects what's best for the students in North Dakota," Baesler said. "We are excited to implement an accountability system that was written with supports and interventions to best meet the needs of students in our state and improve academic achievement for all students over time."

A complete copy of North Dakota's plan, along with information about the work of the ESSA Planning Committee, is on the Department of Public Instruction's website at <https://www.nd.gov/dpi/SchoolStaff/SSI/ESSA/>

Baesler said the Department of Education's approval of North Dakota's plan represents only the beginning of how the plan will be used to improve education in the state.

The superintendent has named nine committees to oversee its implementation and suggest additional improvements. The committees are focusing on subjects such as student growth, teacher and administrator effectiveness, and innovative learning techniques.

## Designate Delegates and Alternates by October 13

NDSBA's Annual Convention is an excellent event for board member development. It is also the time NDSBA elects state board members and adopts resolutions that drive our legislative agenda.

Resolutions are voted on at the Delegate Assembly where registered delegates are responsible to cast votes representing their local boards. Resolutions that are passed dictate NDSBA's collective legislative position on critical issues. It is important to

review proposed resolutions as a board so your delegates come prepared.

Convention delegates and alternates should be clearly designated on the district's registration form that must be received in the NDSBA office BY OCTOBER 13 in order for delegates to vote at Delegate Assembly. Only those registered as alternates BY THIS DEADLINE will be allowed to substitute for a registered delegate. There will be no exceptions.



If your board votes to bring a resolution to the convention floor for consideration by the Delegate Assembly the following

process must be followed:

1. Have 400 copies of your resolution ready to distribute at the close of the First Business Session on Thursday afternoon.
2. At the Second Business Session on Friday afternoon, the chair will ask if there are resolutions that were distributed on Thursday. At that time, a delegate from your board must come to the microphone and move the resolution. A delegate from a different board must make the second.
3. Once a motion and second have been made, your resolution will be discussed and voted on by the Delegate Assembly.



**RETURN SERVICE REQUESTED**

## ■ What Has Happened to Civility in the Board Room?

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Different corporate bodies serve various purposes and have different goals. Some examples of the types of corporate bodies that can exist are governmental agencies, religious groups, churches, citizen associations, and conferences of people that share a business interest. By acting as a single entity, these groups can behave and communicate more efficiently.

Unfortunately, across the country school board meetings can occasionally turn into shouting matches between board members, with the level of acrimony often reaching alarming heights.

All of us must continue to guard against attacks on all local school boards based solely on the performance of individual local school boards or the behavior of individual school board members. Our democratic principles grant citizens the rights to retain or reject local school board candidates as part of the election process. As citizens, we should reflect on these democratic principles and exercise our rights and responsibilities to vote – accepting the premise that the majority wins.

Never forget that school board

members exist solely to represent the children of their communities. Those children are our true constituents. Each member of your community has a vested interest in ensuring the best education possible for all children in the community. If we lose sight of that, then we lose sight of the only thing that is truly important: our future! So, let me paraphrase the advice my mother gave me all those years ago with this checklist for school board members:

- Keep the needs of the child first.
- Be kind.
- Be respectful.
- Don't expect to win every argument.
- Be gracious when you lose and even more gracious when you win.
- Listen carefully to the opinions of others; you might learn something.
- Don't lose your temper.
- Vigorously debate your position but accept the will of the majority.
- Never hold a grudge.

Oh, and by the way, if you are taking piano lessons – hang in there. You won't regret it!

Editor's note: Randall Bennett is deputy executive director and general counsel of the Tennessee School Boards Association.

This article originally appeared in the Spring 2017 issue of the *TSBA Journal*, is reprinted with permission, and has been edited for length.



**mark your calendar**

### **2017 NDSBA Annual Convention**

October 26-27, 2017

Ramkota Hotel, Bismarck

### **2017 NDSBA New Member Seminar**

October 26, 2017

Ramkota Hotel, Bismarck

### **2017 NDSBA School Law Seminar**

October 26, 2017

Ramkota Hotel, Bismarck

### **2018 NDSBA Negotiations Seminar**

February 8-9, 2018

Ramkota Hotel, Bismarck

### **2018 NSBA Annual Conference**

April 7-9, 2018

San Antonio, Texas

### **2018 NDSBA Annual Convention**

October 25-26, 2018

Ramkota Hotel, Bismarck