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Excellence in North Dakota public education through local school board governance ■ VOL XLII ISSUE 12

Negotiations Seminar 2018: Tight Budgets, Safe Workplaces, and Life after Impasse

NDSBA's 2018 Negotiations Seminar will be held at the Bismarck Ramkota Hotel on Friday, February 9. Two early bird sessions will be held on Thursday, February 8. A brochure with registration information will be available at www.ndsba.org and sent to schools in the near future.

EARLY BIRD SESSIONS

Bargaining in Times of Change

Thursday, February 8

9:30 a.m. – Noon

This session will focus on changes in the tactics used by teachers' unions during negotiations, including the use of social media and other increasingly aggressive strategies, and how to be best prepared to deal with the change. The session will be presented by Andy Sever, Director of Labor Relations at the Montana School Boards Association.

Teacher Nonrenewal

Thursday, February 8

1:00 – 4:00 p.m.

This session will walk participants through teacher nonrenewal procedures and touch on the discharge process. The presentation will include:

- Evaluation of licensed personnel
- Nonrenewal procedures
- Performance nonrenewals



- First-year teacher nonrenewals
- RIF nonrenewals
- Resignation and contract breach
- Pros and cons of including extracurricular assignments in contract

The session will be presented by Amy De Kok, NDSBA Legal Counsel.

NEGOTIATIONS SEMINAR

Negotiations Basics

Friday, February 9

8:00 – 9:00 a.m.

This session is a primer geared for first-time negotiators or those looking to review the basics. Registration for this session is included in the full Negotiations Seminar fee.

Negotiations Seminar

Friday, February 9

9:15 a.m. – 4:30 p.m.

Topics include negotiation strategies, finding ways to be creative without additional funds, safe workplace policies, and tips from experienced negotiators. There will also be an interactive question-and-answer panel to conclude the seminar.

Call the Ramkota Hotel to make your reservations at 701-258-7700.

The registration deadline for the advanced registration rate is Monday, January 29, 2018. We hope to see you there!

Happy Holidays!

The North Dakota School Boards Association team would like to wish you a happy and joyous holiday season. We look forward to serving you in the New Year!

Sincerely,
Alexis, Amy, Julie, Linnae, Patty and Rebecca



NSBA 2018 Annual Conference Registration and Housing

The NSBA Annual Conference and Exposition will be held April 7-9 in San Antonio, Texas. Join us in San Antonio for a robust offering of over 25 educational programs including three inspirational general sessions that will give you new ideas and tools to help drive your school district forward.

Conference registration and housing reservations are now open. Register online at www.nsba.org/conference.

Ensure Your Playgrounds Are Safe for Children

Submitted to NDSBA by NDRPA

The North Dakota Recreation & Park Association (NDRPA) is holding its 16th annual Certified Playground Safety Inspector (CPSI) Course March 13-15, 2018, in Bismarck.

Participants have the opportunity to learn about the latest developments in playground safety through classroom instruction and hands-on site investigation during this two-day course. Individuals interested in becoming a certified playground safety inspector may take the optional exam on the third day.

Sponsorships from the North Dakota Parks & Recreation Department and the North Dakota Insurance Reserve Fund (NDRIF) make this first-class course, hosted by the Bismarck Parks & Recreation District, possible.

Scholarships available

Scholarships are available to NDRIF and NDRPA members. The first 28

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Legal Spotlight

Can a School District Limit a Patron's or Parent's Access to School District Property?

by Amy De Kok, NDSBA Legal Counsel

Editor's Note:
Beginning in this

issue, Amy will discuss a "hot-topic" legal issue in a new monthly column. If there is a topic you'd like to see addressed in Legal Spotlight, please contact Amy at amy.dekok@ndsba.org.

Ideally, a school district desires to foster a supportive, cooperative, and harmonious relationship with parents and members of the public. Indeed, our schools are often common places for the community to meet and discuss important issues and concerns. Above all else, however, a school district has a responsibility to provide quality

educational services to its students, as well as a safe and healthy environment for its staff and the

students it serves. The public's ability to access and utilize school district property for non-educational purposes takes a back seat to this overarching obligation. On this, I am sure, we can all agree. Moreover, there is a strong and continuing interest in ensuring school safety that has been fueled by several tragic events around the country in the last few decades. These events put more pressure on school districts to ensure appropriate measures are in place to keep students and staff safe.

NDSBA has received multiple inquiries from our member school districts seeking guidance as to what to do when a patron or a parent engages in repeated disruptive, insulting, or threatening behavior often towards staff or administration on school district property, and at times, in the presence of students. The particular facts surrounding each such situation vary greatly; however, the question is always the same: Can the district limit or restrict the patron's or parent's access to school personnel and property? Generally speaking, the answer is yes, the district can limit or restrict such access under such circumstances. There are several sources of authority by which a school district can limit

access to property. First, pursuant to N.D.C.C. § 15.1-09-33(3), a school board has "custody and control of all school district property." Second, N.D.C.C. § 15.1-06-16 makes it a class B misdemeanor for any person to: (1) willfully disturb a public school that is in session; (2) willfully interfere with or interrupt the proper order or management of a public school by an act of violence, boisterous conduct, or threatening language; or (3) rebuke, insult, or threaten a teacher in the presence of a student. Finally, while school boards may permit the district's schools and facilities to be used for

purposes other than education of students, N.D.C.C. § 15.1-06-14 provides that such usage cannot interfere with the education of students, and the board may impose

restrictions on the usage provided the restrictions are not discriminatory.

Most boards have adopted policies that address the treatment of visitors on school property and often there are administration regulations that place certain requirements on how and when patrons or parents can access school facilities. For instance, most schools require visitors to check in at the district office and obtain a visitor's pass before accessing the interior of a school building. Also, most districts have emergency plans in place that provide procedures to follow when a serious and specific threat to student safety is present. Those policies and regulations, however, do not offer much guidance or give specific direction as to what can be done when a patron or parent engages in disruptive or insulting behavior while on school district property that does not pose a serious, imminent threat to student or personnel safety. In these situations, NDSBA advises school districts that if a patron or parent is exhibiting disruptive, insulting, or threatening behavior on school district property, they should be asked to leave the premises immediately and/or the district should contact law enforcement for

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LEGAL SPOTLIGHT

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assistance to remove the individual from the premises. Moreover, the school district can place reasonable limitations on the patron or parent in terms of their ability to access school district property on an ongoing basis. A common limitation is to inform the parent or patron that they are not allowed to enter and be located on school district property without advance permission from the superintendent or building principal. If the individual is a parent with students who attend the district, NDSBA often advises school districts to not require the parent to obtain advance permission to drop off or pick up the student(s) at school, to attend parent/teacher conferences, and to attend school functions and activities in which their student(s) participates. Also, in most circumstances, the school district should not prevent said patron or parent from attending board meetings.

A school district can also limit or regulate the ability of the parent or patron to have contact with staff and personnel when necessary. For instance, there have been situations where a patron or parent is communicating with or contacting a teacher excessively, after school hours, and regarding inappropriate subjects. A school district may have an obligation to intervene in these situations in order to assist the teacher. One option would be to set limits on the manner and mode of contact with the teacher. If warranted, the school district may instruct the patron or parent to refrain from contacting the teacher all together and to direct all future communication to the building principal or superintendent.

As stated previously, the situations that give rise to a school district's need to limit or restrict a patron's or parent's access to staff and/or school district property can vary greatly. The important thing to keep in mind is that school districts have options to address these situations and to maintain a safe and healthy school environment for students and staff. If your district is facing such a situation, NDSBA recommends that you contact our office or your school district legal counsel for guidance.

SAFE PLAYGROUNDS

Continued from page 2

individuals to apply will receive a scholarship (\$410 value) to cover the course registration fee. This means members pay only the \$115 exam fee to attend.

The scholarship is limited to four people per agency and distributed on a first-come, first-served basis. If an agency submits more than four scholarship requests, additional requests will be placed on a waiting list to be awarded on a first-come, first-served basis after January 26.

Register today

The final registration deadline for the course is February 13. The course brochure and registration form are available at www.ndrpa.com.

For more information, contact NDRPA at 701-355-4458 or sschutt@clearwatercommunications.net.

ESPB Update

By Rebecca Pitkin, Ph.D., ESPB Executive Director

The Education Standards and Practices Board (ESPB) is the licensing agency for North Dakota teachers. ESPB also approves teacher education programs in North Dakota and manages the complaints filed against a teacher's license.

HB 1098, introduced at ESPB's request and passed during the 2017 Legislative Session, increased licensure flexibility. The bill was introduced in response to our stakeholders who desired additional flexibility in licensure. ESPB's goal was to increase local control for districts while maintaining high standards for teachers.

Before the bill's passage, elementary licensure configuration was grades 1-6. HB 1098 increased the configuration to grades 1-8. Secondary or high school licensure previously included grades 7-12, and HB 1098 increased the grade span to grades 5-12. Teachers are now also able to teach in their minor field of study, a stipulation not previously allowed since No Child Left Behind (NCLB) in 2001.

Prior to the passage of HB 1098, substitute licenses were issued for a one-year period. Substitute licenses are now issued for two-year periods. While the background check is an absolute necessity, it is not necessary for

substitute teachers to obtain a letter from an administrator before they can apply for a license.

The final area of change is Alternate Access licensure, also known as North Dakota's "emergency license." This type of license is issued in a documented shortage area. This license is for those who do not have a teaching degree but do have a bachelor's degree in a content area where the vacancy exists in the school. It is expected that the applicant will work with a university to complete their education coursework over the next three years (if needed). The license must be requested in writing by the local school administrator indicating an unsuccessful search for a qualified applicant and the desire for this license to be issued. Requirements include the completed online application, successful background check, a bachelor's degree in the content area to be taught (official transcripts), and a plan of study from the college of education where the applicant will complete 1/3 of the program of study each year toward the teaching degree. This license can be issued one year at a time for a maximum of three years. Previously, these licenses could be applied for no earlier than August 1, but new changes enable the license to be issued July 1.

ESPB appreciates the feedback of their stakeholders and seeks to negotiate the intersection of responsive flexibility and teacher excellence. We can be reached with comments or questions at 701-328-9646.

NDSBA Still Seeking Member Input

The North Dakota School Boards Association is updating its strategic plan, and we need your help. Over the past couple of months we have emailed links to four short surveys.

Please take the time to complete the surveys at the below links:

Survey 1 - <https://www.surveymonkey.com/r/NDSBA1>

Survey 2 - <https://www.surveymonkey.com/r/NDSBA2>

Survey 3 - <https://www.surveymonkey.com/r/NDSBA3>

Survey 4 - <https://www.surveymonkey.com/r/NDSBA4>

The survey links will remain open through January 2, 2018. If you have not received these links or have questions, please contact us at 1-800-932-8791.

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Northwood School District

Contact: Alexis Baxley
Phone: 800-932-8791
Email: alexis.baxley@ndsba.org
Application available at www.ndsba.org.
Deadline: January 26, 2018
Position begins: July 1, 2018

Grand Forks School District

Contact: Ken Dragseth, President –
School Exec Connect
Phone: 952-210-2790
Email: mdragseth@comcast.net
Deadline: January 31, 2018
Position Begins: July 1, 2018

Lakota School District

Position: Superintendent, with
possible AD and teaching duties
Contact: Tessa Varnson
Phone: 701-247-2992
Email: tessa.varnson@k12.nd.us
Deadline: February 12, 2018
Position Begins: July 1, 2018

**Book Rooms for 2019
NDSBA Convention**



NDSBA's
2019 Annual
Convention
will begin on
Thursday,
October 24, with
the Law Seminar

and New Member Seminar. Regular
convention activities will begin that
afternoon and conclude on Friday
afternoon, October 25.

The Ramkota will begin taking
room reservations for the 2019
Annual Convention on January 1,
2018. Call the Ramkota at 701-258-
7700 for room reservations. Secure
your room early!



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

2019 NDSBA Annual Convention

October 24-25, 2019
Ramkota Hotel, Bismarck

