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.
Save the date for the Spring 2018 HR Conference for Local Governments

The 5th Human Resource Conference for Local Governments will be held on April 18 and 19, 2018, at the Ramkota Hotel in Bismarck.

The conference will begin with a motivational session offered by Lynn Beiswanger on how to Build your Team. This fun, interactive program is designed to inspire you to nurture and support your most important resource – your people. Attendees will learn practical ideas and hear real stories.

The second plenary session will focus on how to implement the HR specific policies related to medical marijuana. A panel of experts will review the interface of various laws such as Drug Free workplace, Safety Sensitive positions, and the ADA. An additional 15 breakout sessions will be offered to address key emerging

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Legal Spotlight
Tuition Agreements and Open Enrollment
by Amy De Kok, NDSBA Legal Counsel

More and more often these days, school districts are receiving requests to enroll and educate non-resident students. The reasons for such requests can vary. For example, the resident district (meaning the district in which the student resides with their parent(s) or legal guardian(s)) may not offer the grade level in which a student is enrolled. Another common reason is that the admitting/receiving district (meaning the district to which the request to be enrolled is made) offers a particular program or access to services from which the student can benefit and the resident district does not offer. However, more recently, our member districts are receiving requests from families to agree to enroll students because there has been a breakdown in the relationship between the family and the resident district. Many times, these requests come mid-school year after the deadlines for open enrollment set forth in statute have passed. Our member districts that are receiving these requests contact NDSBA for advice on how to handle them and what their options are.

Ordinarily, when a family wishes to send their student(s) to a school district other than their district of residence, they would submit an application to the board of the admitting/receiving district pursuant to the board’s open enrollment policy. Chapter 15.1-31 of the North Dakota Century Code addresses open enrollment procedure and requirements. Pursuant to N.D.C.C. § 15.1-31-01(1), a parent who wishes to enroll a student in a district other than the student’s district of residence must file an application for approval with the board of the admitting district by March 1 of the school year preceding the year of enrollment. The board of the admitting district then has until April 1 of the school year preceding the year of enrollment to approve or deny the application in accordance with the criteria set forth in the board’s open enrollment policy. A board’s open enrollment policy must adhere to the deadlines set forth in statute (although these deadlines are waived for any student who, together with the student’s parents, moves to North Dakota from out of state or from their district of residence to another school district). Thus, parents who desire to enroll their student(s) in a district other than their district of residence in the current school year will not be able to do so pursuant to the admitting district’s open enrollment policy.

The North Dakota Legislature has enacted a process for this type of situation, which includes requirements for the payment of tuition by the parents or the resident school districts educating students in other districts. This process is outlined in Chapter 15.1-29 of the North Dakota Century Code. Tuition compensates the admitting/receiving district for costs associated with educating the non-resident student(s), which are financed by local taxpayers. In accordance with N.D.C.C. § 15.1-29-12, school districts educating students in other districts must pay the full cost of education incurred by the admitting district. Said costs are determined on the basis of the district’s full-time equivalent average daily membership and the educational cost per student as set forth in N.D.C.C. § 15.1-27-03. The statewide average per student costs for extracurricular activities and capital outlay are added to the tuition amount and an amount representing the per student foundation aid subtracted from the tuition amount. The admitting school district receives the state foundation aid payment attributable to the student. The North Dakota Department of Public Instruction (NDDPI) has created forms for districts or parents to utilize in these situations. SFN 50013 Worksheet for Calculating Tuition and SFN 50014 Public School District Tuition Agreement are two such forms available to school districts. These forms can be accessed on NDDPI’s website or upon request from NDSBA.

Nonresident tuition payments must be made by the resident district unless specifically exempted by statute. The resident district and the admitting district can agree to a tuition waiver under certain circumstances as

Continued on page 3
## 2018 School Board Election Deadlines

Annual school board elections must be held between April 1 and June 30 per NDCC 15.1-09-22. The following is a mock timeline using June 12, 2018, as an example election date. **If you have a different election date, compute your schedule in accordance with state law cited below.** Please note that if your school board election is held in conjunction with a county election, the county election board "shall administer the election in the same manner as the county or state election" per NDCC 15.1-09-13 (4).

<table>
<thead>
<tr>
<th>March 2018</th>
<th>April 2018</th>
<th>May 2018</th>
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<td>27 28 29 30</td>
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**March 10, 2018**
Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline must be published in the official newspaper of the city or county. (NDCC 15.1-09-09)

**April 9, 2018**
An individual seeking election to the board of a school district shall prepare and sign a document stating the individual’s name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. These documents must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. (NDCC 15.1-09-08)

Each board of a school district that enters into an agreement with the county [to share election expenses] must notify the county auditor, in writing, at least sixty-four days before the election of the offices to be filled at the election and any measures to appear on the ballot. (NDCC 15.1-09-24)

**May 3, 2018**
At least forty days before the election, the business manager shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all individuals who have indicated their intent to be candidates by meeting the provisions of section 15.1-09-08. (NDCC 15.1-09-11)

**May 8, 2018**
1. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible. (NDCC 15.1-09-13 (1))

2. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more polling places for each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. (NDCC 15.1-09-13 (2))

**May 29, 2018**
At least fourteen days before the date of an annual or special school district election, the school board shall publish a notice in the official newspaper of the district stating the time and place of the election and the purpose of the vote. (NDCC 15.1-09-09)

**June 12, 2018**
School board election

**June 18, 2018**
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. (NDCC 15.1-09-15)

**June 19-21, 2018**
Within three days after the canvass by the school board for a school district election, the business manager of the school district shall provide to each elected individual written notice of the individual’s election and of the duty to take an affirmation or oath of office. (NDCC 15.1-09-17)

**June 19-28, 2018**
1. Within ten days after the canvass by the school board, the business manager shall certify the individuals elected and their terms to the county superintendent of schools. (NDCC 15.1-09-17)

2. 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. (NDCC 15.1-09-25)
### TEACHER AND ADMINISTRATOR EVALUATION, CONTRACT, AND NONRENEWAL DEADLINES

*Note: Administrator is defined as principal, assistant superintendent, and associate superintendent. It excludes the superintendent. See reverse side for superintendent evaluation, contract, and nonrenewal deadlines.*

#### EVALUATIONS OF TEACHERS AND ADMINISTRATORS

**First three years after hired:** Evaluations must be made available on or before December 15 and on or before April 15.

**Fourth year or more:** Evaluations must be made available on or before April 15.

NDCC 15.1-15-01

#### TEACHER AND ADMINISTRATOR CONTRACT ISSUANCE & RENEWAL

<table>
<thead>
<tr>
<th>Offering contracts to teachers and administrators currently employed</th>
<th>No earlier than March 1 and no later than May 1. Provide at least 14 calendar days to return contracts. NDCC 15.1-15-04 (2)</th>
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</thead>
<tbody>
<tr>
<td>Offering contracts to newly hired teachers and administrators</td>
<td>No deadline in law. Give new hires a reasonable timeframe to consider offer and return contract (e.g., 10 days).</td>
</tr>
<tr>
<td>Contract issuance during negotiations</td>
<td>Issuance suspended until negotiations are complete. NDCC 15.1-15-04 (4)</td>
</tr>
</tbody>
</table>

#### NONRENEWAL DEADLINES FOR TEACHERS AND ADMINISTRATORS

<table>
<thead>
<tr>
<th>Notice of contemplated nonrenewal</th>
<th>In writing and no earlier than March 1 and no later than April 15. NDCC 15.1-15-05 (1)</th>
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</thead>
<tbody>
<tr>
<td>Nonrenewal hearing deadline</td>
<td>No later than April 21. NDCC 15.1-15-05</td>
</tr>
<tr>
<td>Notice of nonrenewal decision</td>
<td>In writing and no later than May 1. NDCC 15.1-15-06 (10)</td>
</tr>
</tbody>
</table>

#### EXCEPTIONS TO NONRENEWAL DEADLINES (FIRST-YEAR TEACHERS & ADMINISTRATORS IN POSITIONS FOR LESS THAN TWO YEARS)

| First-year teacher (defined as an individual teaching for the first school year since obtaining a license to teach) | After April evaluation is complete, board meets with teacher in executive session to discuss reasons for contemplated nonrenewal. Notice of nonrenewal decision must be provided no earlier than April 15 and no later than May 1. NDCC 15.1-15-02 (4) |
| Administrators employed in that position by a district for less than 2 years | Provide written notice of nonrenewal decision before May 1. Board shall meet with administrator in executive session to convey reasons for nonrenewal if requested. NDCC 15.1-15-05.1 |

#### NONRENEWAL DEADLINES FOR SUPERINTENDENT WITH A DISTRICT LESS THAN TWO YEARS*

| Notice of nonrenewal                                               | Provide written notice of nonrenewal decision before May 1. Board shall meet with superintendent in executive session to convey reasons for nonrenewal if requested. NDCC 15.1-14-12 (1) |
| Nonrenewal hearing deadline                                        | No later than April 21. NDCC 15.1-14-09 (1) |

#### NONRENEWAL DEADLINES FOR SUPERINTENDENT WITH A DISTRICT TWO OR MORE YEARS*

| Notice of contemplated nonrenewal                                 | In writing and on or before April 15. NDCC 15.1-14-09 (1) |
| Nonrenewal hearing deadline                                       | On or before April 21. NDCC 15.1-14-09 (1)(b) |
| Notice of nonrenewal decision                                     | In writing and no later than May 1. NDCC 15.1-14-10 (8) |

*Count only years employed as superintendent

Questions? Contact NDSBA at 800-932-8791.
outlines in N.D.C.C. § 15.1-29-13(2) (a). In such an instance, the resident district and the admitting district that offer the same grade level as that in which the student is enrolled may enter into a written tuition waiver agreement whereby the admitting district agrees to enroll the student without charge or collection of tuition. The agreement must address whether transportation is to be provided and, if so, by which district. If transportation is provided by the admitting district rather than the resident district, the admitting district is entitled to the state payments for the transportation of the student. Other situations in which tuition may be waived include: (1) when the student is enrolled in an approved alternative education program for which tuition is not charged; or (2) a student, at the time of a school district dissolution or reorganization, chooses to attend another district.

In contrast, there are other situations in which tuition cannot be waived and must be paid by the resident district to the admitting district. Such situations include: (1) when grade level services are not offered by the resident district; (2) when the students are being educated in bordering states; (3) when special education students are placed out of their resident district for educational purposes; (4) when regular and special education students are placed out of their resident district for purposes other than education; and (5) when no exemption specifically applies. It is important to note that if the admitting district fails to charge and collect tuition for nonresident students, the admitting district forfeits the state foundation aid payment that would otherwise be payable for the nonresident student.

If your district receives a request from a parent or another school district to enroll and educate a nonresident student, please consider such a request carefully. Many districts have adopted NDSBA’s template policies addressing open enrollment and nonresident tuition agreements (FAAA and FAAD), which can be helpful guides and should be reviewed whenever such a request is received. Requests to enter into tuition agreements can be denied, but it is important to adhere to your board’s policies in considering such requests. As always, please feel free to contact NDSBA for guidance on the legal aspects and policy considerations that arise in these situations.

**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.


**PUBLIC PLANNING REMINDER**

1. Between January first and June thirtieth of every even-numbered year, the board of each school district shall invite the public to participate in a planning process addressing the effects that demographics might have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on: a. Academic and extracurricular programs; b. Instructional and administrative staffing; c. Facility needs and utilization; and d. District tax levies. 2. At the conclusion of the planning process, the board shall prepare a report, publish a notice in the official newspaper of the district indicating that the report is available, and make the report available upon request.

**STATE MILEAGE RATE CHANGES**

As of January 1, 2018, state rate for mileage reimbursement is $0.545 per mile. State mileage rates can be found on the North Dakota Office of Management and Budget website at www.nd.gov/omb/agency/financial/fiscal-policies under Fiscal and Administrative Policy Updates Updated 1/02/2018.
Northwood School District
Contact: Alexis Baxley
Phone: 701-255-4127
Email: alexis.baxley@ndsba.org
Application: 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

Mott-Regent School District
Contact: Alexis Baxley
Phone: 701-255-4127
Email: alexis.baxley@ndsba.org
Application: www ndsba.org
Deadline: February 9, 2018
Position Begins: July 1, 2018

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

Fargo Public School District
Contact: Gary Ray, President – Ray & Associates
Phone: 319-393-3115
Email: glr@rayassoc.com
Deadline: February 22, 2018
Position Begins: July 1, 2018

Enderlin Area School District
Contact: Tammy Boeder
Phone: 701-437-2240
Email: Tammy.Boeder@k12.nd.us
Application: http://www.enderlin.k12.nd.us/
Deadline: March 15, 2018
Position Begins: July 1, 2018

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