NDSBA invites school board members, superintendents, business managers, school staff, agency staff, and public and private sector attorneys to attend the 2018 NDSBA School Law Seminar. The seminar will feature Sonja Trainor, Managing Director, Legal Advocacy, at the National School Boards Association. Ms. Trainor will provide legal guidance for school board members and their representatives on fostering safer schools. Her presentation will include a discussion on student emotional and mental well-being, threat assessment, school safety plans, working with law enforcement, liability, and insurance.

As Managing Director, Legal Advocacy, Ms. Trainor coordinates and manages NSBA’s appellate advocacy program; develops, writes and edits NSBA publications for the Office of General Counsel and the Council of School Attorneys (COSA); liaises with outside organizations; speaks on school law issues and NSBA legal advocacy work; and supports COSA programming and working groups. A former school attorney and COSA member, Trainor came to NSBA as a senior staff attorney in 2010 and served as COSA program director from 2012 until 2018. 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 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.

Lisa Edison-Smith and KrisAnn Norby-Jahner will present on Student Rights and Discipline in Public Schools. Their presentation will cover student suspension and expulsion basics under North Dakota law, as well as a review of student rights in hot topic areas, such as student walkouts and free speech.

Ms. Edison-Smith is an attorney with the Vogel Law Firm in its Fargo office, practicing exclusively in the area of employment and labor law and litigation, and is a MSBA Certified Labor and Employment Law Specialist. She focuses her practice on providing practical advice to North Dakota and Minnesota private and public sector employers, including schools and higher education, on a variety of issues related to discrimination and harassment, state and federal compliance issues, wage and hour law, employment contracts, policy review, hiring and termination, internal investigations, and employee benefits.

Ms. Norby-Jahner is also an attorney with the Vogel Law Firm in its Bismarck office and concentrates her practice in employment law, education law, and ERISA compliance and litigation. KrisAnn offers general advice and counsel to ensure school districts remain compliant with state and federal laws. She assists in other policy development, negotiations, investigations, discipline, and discharge matters. Education law is a natural fit for KrisAnn because, in addition to her legal practice, KrisAnn has worked at several universities as an adjunct professor.

Seminar attendees will also hear from Nicholas Grant, attorney at the Dickinson law firm of Ebeltoft Sickler, regarding school district bidding requirements under North Dakota law; Amy Clark, attorney at the Wahpeton law firm of Smith & Strege, regarding the discharge-for-cause process; and attorneys Lynn Slaathaug Moen and Cassie Tostenson of the Brudvik Law Office, regarding the #METOO

Convention Reminders

Convention Rooms
If you have sleeping rooms reserved at the Ramkota Hotel for the 2018 NDSBA Annual Convention, you must give them a specific name for each reserved room by October 3 or the rooms will be released. Contact Ramkota Hotel 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 by October 12 in order to vote at Delegate Assembly. Only those registered as alternates BY THIS DEADLINE will be allowed to substitute for a registered delegate.
Governmental Affairs Committee Resolutions Report

NDSBA’s Governmental Affairs Committee (GAC) met on August 28, 2018, to act on resolutions for consideration by the Delegate Assembly at the Annual Convention. Participating committee members were: Jim Rostad, Chair (Minot); Susie Carlson (Northern Cass); Rick Gillund (Enderlin Area); Steve Halldorson (Devis Lake); Sonya Hansana (Hazen); Roger Haut (Jamestown); Dianne Hensen (Glenburn); Jim Johnson (Fargo); Mike Lautenschlager (Lewis & Clark); Don Nygaard (Finley-Sharon); and Carissa Swenson (Halliday).

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. One new resolution was submitted by the NDSBA Board of Directors. Following are recommendations of the GAC:

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS WRITTEN

NORTH DAKOTA STATE STANDARDS. NDSBA shall support the ongoing implementation of North Dakota State Standards.

Adopted in 2014.

EARLY CHILDHOOD EDUCATION. NDSBA shall support separate state funding for preschool programs meeting prescribed standards.

Adopted in 2010; readopted in 2014.

PROPERTY TAX REDUCTIONS. NDSBA will support direct state funding of K-12 education at a level adequate to reduce reliance on local property taxes.

Adopted in 2006; readopted in 2010; readopted in 2014.

AFTER-SCHOOL PROGRAMMING. NDSBA will support legislation that will allow all school districts in North Dakota an equal opportunity to participate with after-school programming.

Adopted in 2006; readopted in 2010; readopted in 2014.

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS AMENDED

NORTH DAKOTA STATE STANDARDS. NDSBA shall support the ongoing implementation of North Dakota State Standards.

Adopted in 2014.

NEW RESOLUTION RECOMMENDED FOR ADOPTION

Submitted by NDSBA Board of Directors

SAFETY AND SECURITY. A resolution stating that NDSBA shall support legislation that would expand the ability of school districts to discuss school safety and security in executive session.

WHEREAS, public schools are charged not only with supporting student achievement but also providing a foundation for mental and physical health, personal growth, and character development; and

WHEREAS, student and staff safety is a prerequisite for consistently high levels of academic and social development; and

WHEREAS, the North Dakota School Boards Association believes it is every local school board’s responsibility and right to determine the safety and security measures appropriate for their district; and

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EDITOR
Alexis Baxley

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
Alexis Baxley, Bismarck

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NDSBA participated in a series of school safety listening sessions hosted by ND DPI in Bismarck, Dickinson, Williston, Fargo, Valley City, and Rugby in August. Thank you to all who attended and participated in the discussion!
New Statewide Anonymous Texting Platforms Designed to Enhance School Safety and Report Drug Crime Launched

TEXT “SAFE” to 82257 and TEXT “DRUGS” to 82257

State law enforcement officials, the North Dakota Department of Public Instruction, the North Dakota Attorney General, and the Governor’s Office recently launched a new statewide anonymous texting platform designed to enhance school safety and report drug crime. Project Stand Up for School Safety and Project Stand Up to Drug Crime have been activated in every North Dakota city and county.

The North Dakota Sheriff’s Association initiated the new programs that have been endorsed and supported by the various state agencies and officials. North Dakota is the 8th state to use the Stand Up for School Safety program. The programs allow individuals to report suspicious behavior, threats, and violence in every school by texting SAFE to 82257.

That information provides confidentiality to the tipster and delivers the information to school and law enforcement officials in an instantaneous manner. Students, parents, and community members may use the text, 24/7, with the promise that their information will get to authorities quickly without revealing their personal identity. Tips involving student issues like suicide, shootings, larceny, bullying, vandalism, and even cheating can be texted at any time and from any place.

Students and community members can also report illegal drug activities by texting DRUGS to 82257.

"Project Stand Up is an excellent tool for students and residents to support law enforcement officials to both prevent and investigate criminal activities throughout our state," said Pat Rummel, president of the North Dakota Sheriff’s Association.

“We as North Dakota educators are always supportive of ways to make our students more safe and secure at school. Project Stand Up provides a simple way for students and parents alike to report potential threats to school safety,” said Kirsten Baesler, North Dakota Superintendent of Public Instruction.

"In addition to using state of the art technology, the program is delivered to our residents free; there are no taxpayer funds used to pay for Project Stand Up," Rummel added.

Project Stand Up is managed by a non-profit organization that secures funding from corporations, foundations, and individuals. Sanford Health is a primary corporate sponsor. Additional sponsors will be recruited in North Dakota.

Other groups that support and endorse the program include: North Dakota Police Chiefs Association, Governor of North Dakota, North Dakota Department of Emergency Services, and the North Dakota School Boards Association.

Policy Updates

Students in Foster Care

The Every Student Succeeds Act (ESSA) emphasizes the educational stability and success of vulnerable students, including those in foster care. Students in foster care face many educational barriers, including traumatization, high mobility, and undiagnosed behavioral and health conditions. Under ESSA, districts must collaborate with child welfare agencies to seek to eliminate these barriers and ensure school stability when it is in the student’s best interest. Districts must make every effort to immediately enroll a student in foster care in their school of origin and develop plans to provide cost-effective transportation in accordance with law.

NDSBA, in collaboration with the ND Department of Public Instruction and the North Dakota Department of Human Services, has developed a sample Foster Care Policy (FDH) and Transportation and Dispute Resolution Procedures (FDH-BR1 and FDH-BR2) to comply with ESSA requirements to ensure improved educational outcomes for students in foster care. To request these or any of our policy templates, please contact NDSBA at 1-800-932-8791 or rebecca.duben@ndsba.org.

Medical Marijuana

In April 2017, the North Dakota Medical Marijuana Program was signed into law by Governor Doug Burgum, becoming one of thirty states to legalize medical marijuana. One year later the Department of Heath developed regulations to implement this program allowing the production, processing, sale, and dispensing of usable marijuana, as well as the medical use of marijuana. Although marijuana is now permitted for certain debilitating medical conditions in North Dakota, the possession and use of marijuana still remains illegal under federal law.

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.

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Policy Updates  
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So, what does this mean for your school? To comply with all state and federal laws, districts must maintain a drug-free workplace and prohibit the possession and use of marijuana while on school property for all students and employees. Districts run the risk of jeopardizing their federal funding if they do not follow these laws. One way your district can minimize your risk is to adopt and disseminate clear policies for students and employees on the possession and use of marijuana and other illegal drugs while on school property. NDSBA has drafted various anti-drug policies to assist districts in this process with the most recent policy addition being a medical marijuana policy (ACBE), which can be viewed in this month’s edition of Policy Ponderings at http://policy.ndsba.org/. Districts will need to log in to access this or any of our other template polices. Please contact NDSBA at 1-800-932-8791 or rebecca.duben@ndsba.org if you have questions.

Law Seminar  
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movement and its impact on the school environment. Finally, NDSBA Legal Counsel Amy De Kok and NDSBA Policy Services Director Rebecca Duben will present on the Top Ten Most Common Legal and Policy Questions they receive from school board members and district representatives. Registration forms and the complete schedule are available at www.ndsba.org. Check-in begins at 7:00 a.m., and a continental breakfast will be available at that time. Come early to avoid the long lines!

Resolutions Report  
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WHEREAS, the public disclosure of some information related to school safety and security could compromise security procedures and responses; THEREFORE, BE IT RESOLVED that NDSBA shall support legislation that would expand the ability of school districts to discuss school safety and security in executive session.