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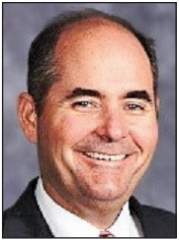


AUGUST 2024

Excellence in North Dakota public education through local school board governance

VOL XLIX ISSUE 8

2024 NDSBA Annual Convention Keynotes Announced



Thursday afternoon, October 24, keynote speaker: Thomas Rooney, Superintendent of Lindsay Unified School District, Calif.

Thomas Rooney is the superintendent of Lindsay Unified School District where he has engaged in the system-wide transformative work of building a learner-centered, performance-based system throughout the entire K-12 learning community, in which each of the 4,100 Lindsay learners receive a customized learning experience. Beyond the Lindsay Unified School District, Rooney has become a nationally recognized voice for matters related to customized learning, competency-based learning, and future-focused transformation. He serves on the board of directors for the Aurora Institute, is a founding member of the Mass Customized Learning National Alliance, and is a member of the League of Innovative Schools. Rooney has provided multiple keynote addresses, webinars, and formal training sessions throughout the country on the topics of transformational leadership, learner-centered education, and systems change. He is also a certified trainer and professional coach with The Breakthrough Coach.

Rooney has co-authored the book, "Beyond Reform," published by Marzano Research in 2017, and will be the basis of his keynote amongst reimagining schools in North Dakota toward a learner-centered focus.



Friday morning, October 25, keynote speaker: Matt Lehrman, Co-Founder and Managing Partner of Social Prosperity Partners

Matt Lehrman is the co-founder and managing director of Social Prosperity Partners – an Arizona-based consulting firm dedicated to the proposition "Where people work together courageously, their potential is unlimited." His passion and expertise is facilitating the strategic deliberations of governance councils, boards of directors, and management teams while meaningfully involving and gathering consensus from their various constituencies (i.e., residents, members, customers, donors, audiences, and community at large).

In addition to delivering inspiring keynotes and substantive workshops on topics of civility and collaborative leadership, Lehrman's Social Prosperity Partners practice specializes in strategic planning services for municipalities, civic associations, and nonprofit organizations. His "Community Catalysts" podcast is a forum for examining the qualities of community leadership and the many paths and forms it can take.

Lehrman's keynote, titled "From Conflict to Conversation," recognizes that in an era of deep division, it is the responsibility and opportunity of community leaders to rise above cynicism, outrage, and exhaustion, becoming champions of civility, courage, and meaningful community engagement.

North Dakota School Boards Association Welcomes New General Counsel

The North Dakota School Boards Association is pleased to announce KrisAnn Norby-Jahner as its new general counsel. In this role, Norby-Jahner will serve as chief legal counsel



for the association, providing advice, support, and strategic guidance to the NDSBA Executive Director. She will manage the association's legal and policy services programs and will start on August 20.

Norby-Jahner will also provide direct, fee-based legal services to member school districts through the NDSBA Legal Direct Program. She brings 15 years of legal experience, most recently with the

Vogel Law Firm, where she specialized in employment and education law.

Her background includes extensive work with school districts and universities on issues such as policy development, legislative changes, special education processes, and contract negotiations. Norby-Jahner's expertise in education law is complemented by her academic experience. She has pursued advanced studies in English and law and literature, and has taught at several universities including the University of Minnesota Law School, Hamline University, Kent State University, North Dakota State University, University of Mary, and Bismarck State College.

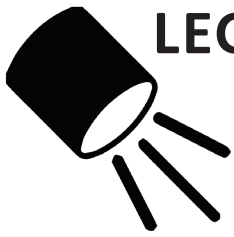
The NDSBA is confident Norby-Jahner's unique blend of legal and educational

experience will greatly benefit the association and its member school districts.

Those attending the 2024 NDSBA Annual Convention will be able to welcome Norby-Jahner to the NDSBA.

Welcome!

NDSBA would like to welcome all the newly elected school board members who were seated this month. Your board service will be challenging but rewarding. NDSBA is here to serve you as you serve the learners of your district. Be on the lookout for your new member packet and mark your calendars for the New Member Seminar on October 24!



LEGAL SPOTLIGHT

Overturing *Chevron v. Natural Resources*: How Might This Affect Schools?

By Lexie Bergstrom, NDSBA Staff Attorney

Back in June, the United States Supreme Court issued a significant ruling, curtailing the power of federal agencies to interpret the laws they administer. The Court overruled its landmark 1984 decision in *Chevron v. Natural Resources Defense Council*, which gave rise to the precedent known as “Chevron deference.” The Chevron deference arose from the understanding that lawmakers are not often experts in the fields in which they create laws, which can and does lead to creating laws that are not crystal clear. The Chevron deference gave federal agencies latitude to clarify ambiguous laws passed by Congress. However, with the Court’s new ruling, federal courts can no longer simply defer to agency expertise. Instead, they must closely scrutinize the legal foundations and reasonableness of agency actions. This article will explain how this decision could have significant implications for public education.

The *Chevron* case stems from a challenge to a change in the U.S. government’s interpretation of the word “source” in the Environmental Protection Agency’s (EPA) Clean Air Act. The act did not precisely define what constituted a “source” of air pollution. The dispute over the definition made it all the way to the Supreme Court and resulted in the Court establishing the Chevron deference, which directed courts to defer to federal agencies’ interpretations of ambiguous laws if their interpretations were reasonable. This ruling empowered agencies like the EPA to enact regulations and policies with considerable autonomy, if

their interpretations could be deemed reasonable and within the scope of the legislative intent.

With its recent ruling, the Supreme Court has dismantled the Chevron deference, shifting the balance of power from federal agencies back to the judiciary. The Court now mandates a more stringent review of agency interpretations, requiring clear congressional authorization for agency actions. The Court’s opinion directs lower courts to decide legal questions by applying their own judgment, determining that agency interpretations of statutes are not entitled to deference.

But why does any of this matter to school districts? While the facts of these cases do not directly involve education, the implications of this decision are far-reaching and could significantly impact public schools in several ways:

- **Regulatory Changes:** Federal agencies such as the Department of Education (DOE) have used the Chevron deference to implement regulations and guidelines on issues ranging from special education to school nutrition. The new ruling could lead to increased legal challenges to DOE regulations, resulting in slower implementation of new policies and greater uncertainty for school administrators.
- **Funding and Compliance:** Public schools often rely on federal funding tied to compliance with DOE regulations. Stricter judicial review of agency interpretations might lead to changes in how funds are allocated or create

new hurdles for schools to meet compliance requirements, potentially affecting programs like Title I and the Individuals with Disabilities Education Act (IDEA).

- **Policy Revisions:** The overturning of the Chevron deference could compel Congress to draft more precise legislation regarding education policies. This change may necessitate revisions in existing laws to provide clearer guidance to both the DOE and public schools, potentially leading to legislative gridlock or significant shifts in educational policy.
- **Litigation Increase:** Schools might see an uptick in litigation as stakeholders – ranging from parents to local governments – challenge DOE regulations. This could divert resources from educational programs to legal defenses and alter the landscape of educational governance.

The Supreme Court’s decision to overturn *Chevron* marks a pivotal shift in the legal landscape, curtailing the autonomy of federal agencies and enhancing judicial oversight. For public schools, this change signals a period of uncertainty and adaptation, with potential impacts on several areas of the educational sphere. As educators and administrators navigate this new terrain, the emphasis on clear legislative guidance and proactive legal strategies will become more crucial than ever. Please contact NDSBA for further information regarding this decision.

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Convention Reminders

Committees

NDSBA is still looking for board members to serve as convention committee members. Please fill out the form at <https://forms.gle/UaLaHb7e7HKcDmLv7> as soon as possible if you are willing to serve on the nominating, credentials, ballot counting, governmental affairs, or legislative committees.

2024 NDSBA Board Member Service Awards

A copy of a qualifying board member's points form must be received in the NDSBA office by Friday, September 20, for board members to be recognized at the 2024 annual convention. Forms are available under "Resources" on the NDSBA website. Also available on the webpage is a spreadsheet that may be useful to record board members' yearly activities.

When 100 or 200 points have accumulated, the form should be submitted to NDSBA, 1224 West Owens Avenue, Bismarck, ND 58501 or by email to Taylor Lassiter.

2024 NDSBA Legacy of Service Award

A qualifying board member's nomination form must be completed by Friday, September 20, for board members to be recognized at the 2024 annual convention. Forms are available under "Resources" on the NDSBA website. Also

available on the webpage are the summary, qualification details, and nomination procedures.

Convention Rooms

If you have sleeping rooms reserved at a Bismarck hotel for the 2024 NDSBA Annual Convention, please remember to call your hotel and list a specific name for each reserved room by October 4 or the rooms will be released. For the 2024 and 2025 hotel room rate sheet, visit the annual convention webpage on the NDSBA website.

NDSBA Standing Resolutions

Any member board may submit a resolution for consideration using the format found on the NDSBA Annual Convention webpage by **August 23**. Please view current standing resolutions before submitting. Resolutions are automatically dropped after four years unless brought to the Delegate Assembly for reconsideration. Both standing resolutions and beliefs and policies are on the NDSBA website at <https://www.ndsba.org/wp/beliefs-and-policies/>.

Submit proposed resolutions by email to Taylor Lassiter at taylor.lassiter@ndsba.org.



2024 NDSBA Convention Registration

Registration for the 2024 NDSBA Annual Convention will **open ONLINE ONLY on Wednesday, August 28**.

Please note, the registration system has changed. All members will receive a 'How To' and 'FAQ' sheet regarding the new system prior to registration opening. Until then, please keep in mind these tips to ensure registration success:

- On August 28, business managers and superintendents will receive an email notifying them registration

has opened. This email will include registration information and instructions on how to calculate the number of delegates your district is allowed.

- The district business manager or another designated individual should complete registration for **all district attendees** to avoid duplicate registrations. Board members will not have access to register themselves.
- Early bird registration fees will be

available until October 11. The fees will increase on October 12.

- Registration for the New Member Seminar and School Law Seminar will be included in online registration options.
- Your district will have the option to pay by check or with credit card – one transaction per district, please. Please call NDSBA if you have any questions. A staff member will be able to walk you through the process if you need assistance.



NDSBA Now Accepting Barb Norby Scholarship Nominations

NDSBA will once again award the Barb Norby Scholarship to one North Dakota school board member who has demonstrated exceptional board service and commitment to their district. Scholarship recipients receive registration and an expense allowance to attend the

following year's Consortium of State School Boards Associations (COSSBA) Annual Conference. The 2025 COSSBA Annual Conference will be held March 21-23, 2025, in Atlanta. This event is an outstanding professional development and networking opportunity for new and veteran board members.

If you would like to nominate a board

member for this award, please email a short paragraph describing why your nominee is deserving to Amy De Kok at amy.dekok@ndsba.org by Friday, September 27.

The Barb Norby Scholarship Award was created by the NDSBA Board of Directors in tribute to Barb Norby's valuable service to the association.



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MARK your calendar

2024 NDSBA Annual Convention

October 24-25
Bismarck Event Center, Bismarck

2025 NDSBA Negotiations Seminar

February 6-7, 2025
BSC National Energy Center of Excellence, Bismarck

2025 COSSBA National Conference

March 21-23, 2025
Atlanta

2025 NDSBA Annual Convention

October 9-10, 2025
Bismarck Event Center, Bismarck



Business Managers: Grow Your Skills

Whether you are a veteran business manager or new to the position, the North Dakota School Business Manager Certification Program (NDSBMCP) will be holding fall courses for those interested in professional growth; strategies to increase skills/proficiencies; gaining knowledge of duties as defined in law; networking opportunities with top professionals; and elevating the status of your occupation. All courses involve your duties as a business manager and are taught by top professionals. We want you to succeed and will go to extraordinary lengths to accomplish that.

The first set of courses for new students will take place on September 26 and 27. The courses will be held in Bismarck and the venue will be released soon. Application forms to enter the program and start courses this fall are available online at <https://www.ndsbmcp.org/wp-content/uploads/2023/06/Applicationform.pdf> and will be accepted through **September 13**. For more information on the program, please contact Patty VerDouw at 800-932-8791 or patty.verdouw@ndsba.org.