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NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

OCTOBER 2022

Excellence in North Dakota public education through local school board governance ■ VOL XLVII ISSUE 10

Legislators Announce Proposal to Change K12 Funding Formula

On Monday, September 26, Senator Don Schaible and a group of legislators unveiled a proposal that would alter the K12 funding formula in an effort to cut property tax.

Sen. Schaible (R-Mott) has chaired the Senate Education and interim Education Funding committees for the past few biennia. A farmer and former school board member, Schaible has a firm understanding of North Dakota's complicated education funding formula.

Under the proposal, the state would assume a larger portion of the part of property tax apportioned to K12 education funding in an effort to cover about 85% of education funding (compared to approximately 70% currently). The proposal would do so by buying down mills from the current 60 to 30 mills. The proposal would reduce the current cap on the 70-mill general fund levy authority to 30 mills (or an amount equal to) and end the practice of using mills when calculating and levying taxes in favor of easier-to-understand dollars. Legislators also noted that the plan would freeze the education-dedicated piece of property valuations for two years.

These changes would increase the state's share by an estimated \$340 million in additional school funding for the two-year budget cycle starting in summer 2023. The current proposal



uses investment earnings from the Legacy Fund to cover the extra State share, but legislators speculated that money could come from other funds as well. The proposal does not change or limit how cities, counties, or parks collect property tax.

Sen. Schaible and Bismarck Rep. Mike Nathe expect that the proposal would reduce property taxes by about 25% statewide, addressing a key concern legislators hear from many of their constituents. Legislators do not view this proposal as a new idea, but rather, a similar approach to the one that was used when the State rewrote the K12 funding formula in 2013. The

plan has not yet been written down as a bill but will be done so by the 2023 Legislative Session in January.

NDSBA has not formerly taken a position on the proposal at this time but looks forward to reviewing the details when they become available. We are guided by Standing Resolutions that are supportive of the state's commitment to "adequately funding" K12 education (A6), supportive of direct state funding at a level to reduce reliance on local property taxes (A11) but opposed to any attempts to further limit taxing authority of the state (A14) and school districts (G4).

Any concerns will likely center around whether the additional state funding will be adequate and the difficulty districts may face in levying "new money" due to the valuation and general fund levy caps. School districts continue to compete with other political subdivisions in attracting and retaining non-certified staff. We are often unable to give raises equal to those received by city, county, or parks staff, and further limitations on school district taxing authority may widen that gap.



Annual Convention Registration

Registration for the 2022 NDSBA Annual Convention is still open. Registration is available online only at www.ndsba.org.

Reminder: North Dakota Century Code § 15.1-09-32

requires new school board members to attend an in-service

training workshop hosted by the North Dakota School Boards Association or its designee within one year of assuming office. NDSBA will host a seminar for new board members on October 27, 2022.

Registration for the New Member Seminar is available at <https://www.ndsba.laventurellc.com/2022annualconvention/>.

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Legal Spotlight

AG's Opinion: Administrative Committees Not Subject to Open Meetings Requirements

by Amy De Kok, NDSBA Legal Counsel

This past month, the North Dakota Attorney General issued an opinion (NDAG 2022-O-13) addressing whether a committee created by school administration are governing bodies subject to the open meetings requirements. Specifically, the Attorney General was requested to issue an opinion regarding whether the Minot Public School District violated NDCC 44-04-19 by holding an unnoticed committee meeting.

The committee at issue was established by Minot Superintendent Mark Vollmer to “assist him in developing a plan to address precautions that MPS could implement to keep schools as safe as possible, which continuing the fine tradition of excellence in education following the COVID-19 closures.” The committee’s members included public health employees, educators from all academic levels, and parents of MPS students. No board members served

on the committee or attended the meetings of the committee. No notices or agendas for the committee meetings were provided to the public.

In analyzing the issue, the Attorney General noted that “[e]xcept as otherwise specifically provided by law, all meetings of a public entity must be open to the public.” A meeting is defined in North Dakota law as a “formal or informal gathering or a work session . . . of [a] quorum of the members of the governing body of a public entity regarding public business.” The definition of a “governing body” includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body. The Attorney General further stated that when a governing body such as a public school board delegated authority to two or more people to perform any function, including gathering information, reporting, or recommending or taking action, on its behalf, a “committee” subject to open meetings law is formed. In turn, when a quorum of the committee members gathers to perform the delegated function, the committee is holding a “meeting” that must be noticed in compliance with NDCC 44-04-20.

In two prior opinions, the Attorney General concluded that Superintendents’ Cabinets are not subject to open meetings law because they were not created by school board action and were not delegated any authority by the school board (see NDAG 98-O-02; NDAG 97-O-02). In other words, the Cabinets were not “acting collectively pursuant to authority delegated to [them] by the governing body.

In reviewing the MPS committee at issue, the Attorney General concluded:

According to the MPS Board, “[t]he purpose of the [Committee] was to provide Superintendent Vollmer and his staff with input and insight into various issues identified by the Superintendent’s staff to be of

importance in MPS’s plan to re-opening schools as well as to provide input and insight into those issues identified by the State of North Dakota in their public entitled ‘North Dakota K-12 Smart Restart—Healthy Return to Learning’ plan.” The Minot Public School Board was clear in its response: “Superintendent Vollmer undertook the establishment of this Committee and the decision to prepare a Reintegration Plan as part of his administrative duties and without the involvement of the MPS Board.” Because the Reintegration Committee does not meet the definition of a governing body there were no violations of N.D.C.C. § 44-04-20.

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The *Bulletin* is the official newsletter of the North Dakota School Boards Association. It is published twelve times each year and is mailed as third class mail from New Salem, North Dakota.

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NDSBA Seeks Student Artwork

NDSBA is seeking holiday-themed student artwork to be featured on our holiday cards. Artwork should be landscape-oriented and 5.5x4.75 inches. The student whose artwork is chosen will be recognized in the December issue of the *Bulletin* and receive a \$50 Barnes & Noble gift card. NDSBA will also make a \$200 donation to the student’s classroom.

Artwork can be submitted in two ways:

1. Original artwork can be mailed to NDSBA, 1224 West Owens Ave., Bismarck ND 58501.

2. High quality scans (300 dpi or greater) of original artwork can be emailed to taylor.lassiter@ndsba.org.

All submissions should include the name and grade of the student, the name of the student’s teacher, and the school district. Artwork must be received in the NDSBA office by **Friday, November 11**.

Grand Forks' Ivona Todorovic as ND Teacher of the Year for 2023

North Dakota State School Superintendent Kirsten Baesler and Governor Doug Burgum announced Monday, September 19, that Ivona Todorovic, an English Language teacher at Red River High School in Grand Forks, has been named as North Dakota's 2023 Teacher of the Year.

Todorovic has worked in the Grand Forks school district for 27 years, including the last 17 years as an English Language teacher at Red River. She teaches students who are not fluent in English. Many are learning English for the first time.

A native of Bosnia and Herzegovina, Todorovic grew up in Zenica, about 43 miles northeast of Sarajevo in southeastern Europe. When the former nation of Yugoslavia broke up into six independent republics in the early 1990s, war and ethnic conflict ensued, and Todorovic and her husband, Alex, emigrated to the United States as refugees.

The Todorovics arrived in Grand Forks in June 1995, and Ivona Todorovic began working two months later as a paraprofessional at Lake Agassiz Elementary in Grand Forks. She became Red River's English Language teacher in 2005. She holds bachelor's and master's degrees in elementary education from the University of North Dakota, and a degree in elementary education from the University of Sarajevo.

At a September ceremony at Red



River held to celebrate Todorovic's selection as a Teacher of the Year finalist, Grand Forks School Superintendent Terry Brenner called her "an example of the American dream" and said her own life experience helped her relate to her students, some of whom are refugees themselves. "In many ways, she has lived their lives," Brenner said of Todorovic. "You won't find a bigger heart or champion of students."

Baesler and Burgum made the announcement in the state Capitol's Memorial Hall, a ceremony held to celebrate Todorovic and the three other Teacher of the Year finalists: Abby DuBord, of Bismarck, a first-grade teacher at Bismarck's Elk Ridge

Elementary; Megan Margerum, of Hunter, a third-grade English/Language Arts teacher at Northern Cass Public School; and Megan Wald, of Kintyre, a Linton High School business education instructor. Todorovic will succeed Bret Dockter, a sixth-grade teacher at B.M. Hanson Elementary School in Harvey, as North Dakota Teacher of the Year. Congratulations Mrs. Todorovic, the 2023 TOY finalists, and each of their school districts!

2022 NDSBA Annual Convention Final Schedule Now Available

We are excited to release the schedule for the 2022 NDSBA Annual Convention! You can view the final schedule overview at <https://www.ndsba.org/wp/index.php/ndsba-events/annual-convention/>.

Convention information is also found on the webpage. If you have any questions, please contact Taylor at taylor.lassiter@ndsba.org.

K12 Funding Formula

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NDSBA will monitor this proposal very closely during the 2023 Legislative Session. Be sure you have an up-to-date email address on file with us in order to receive timely updates and action alerts throughout the session. Sen. Schaible will share more about the proposal and be available to take questions during the Legislative Panel clinic session at the 2022 NDSBA Annual Convention (Friday, October 28 at 2:30 p.m.). Visit www.ndsba.org for a full convention schedule and to view all NDSBA's Beliefs, Policies, and Standing Resolutions.

Legal Spotlight

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This opinion provides important clarification on the application of the open meetings requirements to committees established by school administrators in furtherance of their administrative responsibilities. While the Attorney General did not specifically analyze the membership of the committee, the Attorney General may have come to a different conclusion had the committee included board members.

It is important for school boards and administrators to be aware of the establishment of committees and the application of the open meetings requirements to board committees. I recommend you consult with your district legal counsel to ensure compliance with open meetings law. As always, please feel free to contact NDSBA for additional information regarding this topic.

RETURN SERVICE REQUESTED

Superintendent Evaluations

North Dakota law requires that school boards complete a formative evaluation of superintendents **ON OR BEFORE NOVEMBER 15** [NDCC § 15.1-14-03]. This evaluation must take place at an open public meeting. One purpose of the November evaluation is to highlight areas of performance in need of improvement and provide a timeline for expected improved performance. The law regarding superintendent evaluations states that if the superintendent is found to be unsatisfactory in any area, the board shall detail its findings in the report and make recommendations. This process allows opportunity for professional growth before the superintendent's formal evaluation, which must be complete **ON OR BEFORE MARCH 15, 2023**. A sample evaluation form is available on NDSBA's website and www.ndsba.org under RESORUCES.

 **mark your calendar**

**2022 NDSBA
Annual Convention**
October 27-28, 2022
Bismarck Hotel,
Bismarck



2023 NDSBA Negotiations Seminar
February 2-3, 2023
Bismarck Hotel, Bismarck

2023 NDSBA Annual Convention
October 26-27, 2023
Bismarck Hotel, Bismarck



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THE 2022

NDSBA CANDIDATES

CANDIDATE FOR PRESIDENT



Patti Stedman – West Fargo

Patti Stedman graduated in 1984 from Carrington High School and received a Bachelor of Science degree in Elementary Education from Minnesota State University Moorhead. She is a former Barb Norby Scholarship recipient and has been a regular participant at state and national school board conventions.

Patti was elected to the West Fargo School Board in 2008. She has also been an active member of various committees including planning development; governance; long-range facility; negotiations, including lead negotiator; and more. For the past 14 years, she has served on the board of directors for the South East Education Cooperative (SEEC) REA, Education Standards & Practices board (ESPB) and on the CTE board as president.

Patti has been married to her husband Brad for 31 years, and they have three children who previously attended West Fargo High School – Alyssa, Dustin and Kylie. She is currently self-employed and works with her husband in West Fargo.

Patti has been serving as NDSBA's Vice President since 2020 and prior to that as the Southeast Director since 2016.

CANDIDATE FOR VICE PRESIDENT



Lucas Greff – Mott/Regent

Lucas Greff has been on the Mott-Regent School Board for ten years. He has served as president and vice president and has served on the Policy, Building, and Curriculum and Finance Committees in that time. He has testified at the state legislature about the importance of state funded low interest loans to small school districts to build new and modernize existing structures to improve education.

He is currently serving as the president for the Roughrider Area Career and Technical Center (RACTC)--a role he has held the past seven years.

Lucas grew up on his family farm and graduated from Regent Public School in 2000. He attended college at Valley City State and Dickinson State. He joined the North Dakota National Guard in 1999 and is currently a serving member.

Lucas has been married to Angela since 2003 and they have six children ranging from ages one to 15 years. He currently ranches on the family farm and is Active Duty Military for the National Guard out of Dickinson.

CANDIDATE FOR NORTHWEST DIRECTOR



Jim Rostad – Minot

Jim has a passion for his community and for public schools. Jim has been on the Minot School Board a total of 22 years, serving as board president since 2012. Jim also serves as the liaison to Minot Air Force Base School Board and has worked extensively with North Dakota's congressional delegation to secure funding for federally impacted schools on behalf of both Minot Public Schools and Minot AFB. As board president, Jim played an integral role in the decision-making process as the Minot district recovered from the devastating 2011 flood all while experiencing rapid increase in enrollment due to the booming activity of the oil and gas industry in western North Dakota. In 2015 Jim's leadership was recognized when the Minot PTA presented him with their Lifetime Achievement Award.

In his retirement from a career in the auto body industry, Jim finds it fulfilling to serve his community in leadership roles. He was elected to the Ward County Commission in 2016 and now serves as the chairman of the commissioners. He is also a past president of the Minot Area Development Corporation and has a great deal of experience working with community and state elected officials for the greater good of the community.

Jim served on the NDSBA's Government Affairs Committee for several years during the John Hoeven and Jack Dalrymple administrations. He was elected as the Northwest Director of the NDSBA board in 2010 and served as president from 2014-2016. He was re-elected as the Northwest Director in 2019. In his time on the board, Jim has been supportive of NDSBA improving and expanding their policy and legal services to districts across the state.

CANDIDATE FOR SOUTHWEST DIRECTOR



Sonya Hansana – Hazen

Sonya Hansana is currently the President of the Hazen School Board and has served on their board for the past 18 years. She is a graduate of Hazen High School and is married to Lou, who also graduated from HHS. Her commitment to community and NDSBA has been shown through the committee work she has been involved in, including Government Affairs and Legislative Committees. In 2021, Sonya was awarded with the Barb Norby Scholarship for her dedication and advocacy as a school board member.

Sonya serves as one of two school board member representatives on the Education Standards and Practices Board, and previously served on Governor Burgum's Innovative Education Task Force.

Sonya is blessed to have 3 children and 4 grandchildren in her life. In her free time, she loves golfing with Lou and friends along with caring for her grandchildren. She is employed at Union State Bank in Hazen.

CANDIDATE FOR SOUTHEAST DIRECTOR



Nathan Berseth – Richland 44

Nathan Berseth has served on the Richland 44 School Board for five years and has been the president for four. His experience as a committee member includes five years on the Finance/Negotiations Committee and three years on the Vision/Strategy Committee.

Nathan is not afraid to ask hard questions and get beyond the surface of issues. His focus can change between the fine details and bigger picture when the situation calls for it.

Beyond his district board experience, Nathan has served as Richland County Commissioner for the last eight years. In 2021, he joined the NDSBA board of directors as the appointed SE director to finish a vacated term.

THE 2022 NOMINATING COMMITTEE

Nikkie Gullickson, Fargo – Chair

Brent Seaks, Dickinson

Marlana Knudson, May-Port CG

Michelle Shepperd, Grand Forks AFB

Jen Steiner, Lone Tree