

# bulletin



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

DECEMBER 2022

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

## Negotiations Seminar 2023

NDSBA's 2023 Negotiations Seminar will be held on Friday, February 3, 2023. Three early-bird sessions will be held on Thursday, February 2. A detailed agenda and registration information are available at [www.ndsba.org](http://www.ndsba.org). Districts are encouraged to register early; registration fees will increase on January 25, 2023.

### NEGOTIATIONS SEMINAR

*Friday, February 3 (\$160/\$185)*

#### **Negotiations Basics, Preparation & Strategy**

8:30-10 a.m.

These sessions are primers geared for first-time negotiators or those looking for a refresher.

#### **Negotiations Seminar**

10:15 a.m. – 4:00 p.m.

### EARLY BIRD SESSIONS

*Thursday, February 2*

#### **School Board Committees: Legal Pointers and Tools for Success**

*(\$60/\$85)*

*9:00 a.m. – 10:30 a.m.*

In this session, Amy De Kok, NDSBA General Counsel, will provide information on board and administrative committee formation and compliance with open meeting requirements. In addition, Amy will discuss best practices to utilize board and administrative committees in furtherance of school district operations.

#### **Superintendent Contracts & Negotiations**

*(\$60/\$85)*

*10:45 a.m. – 12:00 p.m.*

In this session, attendees will receive information regarding

recommended strategies and techniques to negotiate effectively with your superintendent in order to achieve the board's goals for the district. In addition, this session will cover the drafting of superintendent contracts, including recommended provisions and considerations.

#### **Teacher Nonrenewal and Discharge**

*(\$110/\$135)*

*1:30 p.m. – 4:00 p.m.*

This session will walk participants through nonrenewal procedures and touch on the discharge process. Participants will receive a copy of NDSBA's Nonrenewal and Discharge Handbook.

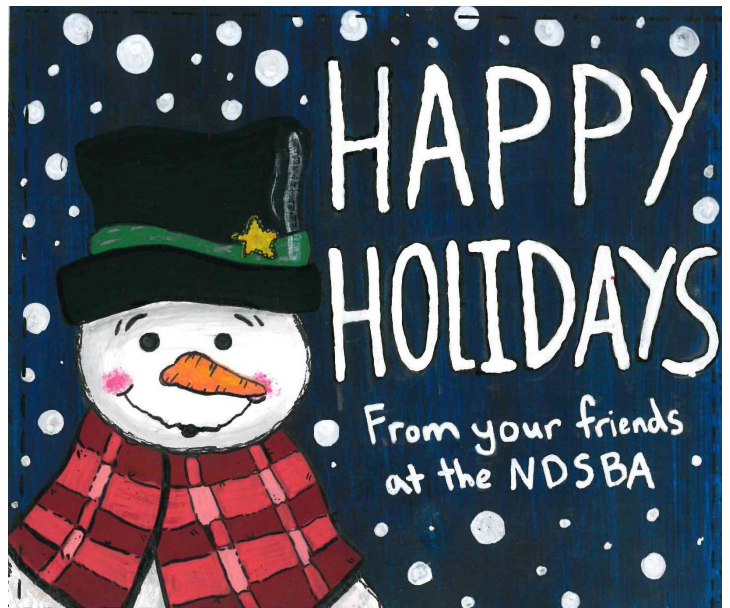
A room block has been reserved at the Bismarck Hotel under NDSBA. Reservations can be made by calling (701) 258-7700.

## February New Member Seminar

NDSBA will hold a New Member Seminar on Thursday, February 2, 2023, at the Bismarck Hotel. 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. A detailed agenda and registration information are available at <https://www.ndsba.org/wp/ndsba-events/annual-convention/new-member-seminar/>. Districts are encouraged to register early; registration fees will increase on January 25, 2023.

## Happy Holidays!

The North Dakota School Boards Association staff would like to wish you a happy holiday season. We would also like to congratulate **Leah Dokken**, an eighth grade student at Minot School District. Her artwork will be featured on the front of NDSBA's 2022 holiday cards. Leah is a student of Bill Irmen. Congratulations, Leah, and thank you to all of the students who submitted artwork – they were all fantastic!





# Legal Spotlight Filling a School Board Vacancy

by Amy De Kok, NDSBA Legal Counsel

One of the most common questions

I receive from member districts relates to the process of filling a board vacancy. A vacancy can arise under various circumstances, but the most common seem to be: (1) a board member voluntarily resigns from their seat by delivering written notice to the business manager; and (2) a board member ceases to be a resident of the district. Section 44-02-01 of the North Dakota Century Code addresses under what circumstances a vacancy is created. In addition to the two mentioned above, an elected office also becomes vacant when the incumbent:

- Dies in office;
- Is adjudged mentally ill;
- Is removed from office;
- Fails to discharge the duties of office, when the failure has continued for sixty consecutive days, by unavoidable cause;
- Fails to qualify as provided by law;
- Is convicted of a felony or an

offense involving moral turpitude or a violation of the person's oath of office; and,

- Has their election or appointment declared void by a competent tribunal.

When a vacancy on a public school board occurs, North Dakota directs that the vacancy must be filled pursuant to the requirements of section 15.1-09-05 of the North Dakota Century Code. Under that section, once a vacancy occurs, the school district business manager must notify the county superintendent of schools that a vacancy exists. In addition, the school board must fill the vacancy within sixty days by appointment or special election. In a vast majority of situations, the vacancy is filled by appointment, rather than special election. If the board fails to fill the vacancy within the sixty-day time period, the county superintendent of schools must call a special election for this purpose. Once the vacancy is filled (either by appointment or special election), the individual serves until the next regularly scheduled election at which time a successor shall be elected to complete the remaining term of the office. If the vacancy is filled by appointment, the business manager must certify the appointment to the county superintendent of schools.

If the vacancy reduces the membership of the board to less than a quorum, the state board of public school education must appoint to the school board as many individuals as necessary to achieve a quorum. The school board must fill the remaining vacancies. After the vacancies have been filled, any individual appointed by the state board is required to resign and the school board must fill the vacancy as provided above. After resigning, the individual who had been appointed by the state board may be reappointed by the school board to fill the vacancy.

Please feel free to contact NDSBA for additional information regarding whether a vacancy exists and how to fill a vacancy in accordance with North Dakota law.

## NDSBA Expands Legal Division with Staff Attorney Hire

The North Dakota School Boards Association is excited to announce that we have hired Lexie Bergstrom as staff attorney.

Prior to joining NDSBA, Lexie worked as an associate attorney at Zuger Kirmis & Smith where she practiced in civil litigation, family



law, and estate planning. Other experience includes working in Texas as a licensed insurance and annuity agent for a financial services company that provides insurance and policies to teachers and staff and working as a judicial clerk for the Southwest Judicial District of North Dakota, which provided her immense experience in legal writing, research, and document review.

Lexie earned her bachelor's degree from the University of North Dakota. In 2017, she earned her juris doctor degree from the University of North Dakota. Lexie is a member of the Big Muddy Bar Association and Inns of Court.

Those attending the New Member Seminar on February 2, 2023, will have a chance to meet Lexie.

Lexie can be reached at lexie.bergstrom@ndsba.org. Please join us in welcoming her to NDSBA!

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.

### EDITOR

Alexis Baxley

### PUBLISHER

North Dakota School Boards Association  
1224 West Owens Avenue  
Bismarck, ND 58501

**TELEPHONE** 1-800-932-8791

**LOCAL** (701)255-4127

**FAX** (701)258-7992

**WEBSITE** [www.ndsba.org](http://www.ndsba.org)

**TWITTER** @ndschoollboards

### EXECUTIVE DIRECTOR

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# Governor Burgum Presents 2023-25 Budget Proposal

Governor Doug Burgum delivered his 2023-25 budget address to the 68th Legislative Assembly on Wednesday, December 7. The Governor's \$18.4 billion proposal would be an overall record budget for North Dakota and includes federal funding. In comparison, the 2021-23 budget was \$17.8 billion, including federal coronavirus aid. The proposal highlighted income tax cuts, workforce, and infrastructure needs, and included several investments in education.

In his address, the Governor recommended increasing the per-pupil payment by four percent in the first year of the biennium and three percent in the second year. The budget proposes that districts be required

to spend at least 70 percent of new dollars on educator salaries. Governor Burgum also proposed foregoing the previously scheduled multi-year transition to on-time funding in favor of immediate implementation. Additionally, he recommended bringing all transition maximum districts onto the formula in this biennium.

The Governor suggested providing borrowing authority from the Bank of North Dakota to fund career academies to honor the State's 2021 appropriation of \$88 million in federal funds. The U.S. Treasury has yet to release these dollars. Borrowing authority would allow projects to continue immediately, rather than waiting for the federal funds.

The proposal also included a \$250

million transfer to the state employee pension fund to address its unfunded liability of \$1.86 billion. The Governor expressed support for closing the defined-benefit plan and moving to a defined-contribution plan as soon as possible.

The 68th Legislative Assembly of the State of North Dakota will convene on Tuesday, January 3, 2023. Join NDSBA Executive Director Alexis Baxley for a legislative session preview during the Brunch & Learn webinar on Wednesday, December 21 at 9 a.m. Registration information for this free webinar can be found at [www.ndsba.org/wp/resources/brunchlearn/](http://www.ndsba.org/wp/resources/brunchlearn/).



## NDSBMCP Course Updates and Information

The following information on North Dakota School Business Manager Certification Program courses is pertinent for first year and second year students to know for completion of the program.

Interested business managers can learn more about these courses by going to the NDSBMCP website at [www.ndsbmcp.org](http://www.ndsbmcp.org) and clicking on the NEWS tab or by calling the NDSBA office at 1-800-932-8791.

### Online Winter Training for First Year Students Only

Registration for the *Introduction to Accounting and Introduction to Payroll* online courses for first year students is open, however the test-out option is now closed. The courses will begin on January 18, 2023. This online training is available to both current and graduate students. Graduates of the business manager certification program will receive a discounted rate and earn 1.5 continuing education credits for each class taken.

### February Training for Second Year Students Only

Registration for the *Business Manager's Role in Negotiations and Data Driven Decision Making and Board Reporting* courses for second year students is now open. The classes will be held on February 1, 2023, at the Bismarck Hotel. Graduates of the business manager certification program will receive a discounted rate and earn continuing education credits. A room block has been reserved at the Bismarck Hotel under NDSBA. Please make arrangements according to the needs of your district for the 2023 NDSBA Negotiations Seminar and New Member Seminar that will take place February 2-3, 2023. Reservations can be made by calling (701) 258-7700.

### March Training for First and Second Year Students

Registration for the *Budget, Budget Forecasting and School Accreditation and School Law for Business Managers* for first year students and *Bidding, Purchasing, and Inventory and Human Resources II* for second year students will open in early January 2023. The classes will be held on March 14, 2023, at the Bismarck Career Academy. Graduates of the business manager certification program will receive a discounted rate and earn continuing education credits. A room block has been reserved at the Home2 Suites under NDSBMCP until February 1, 2023. Reservations can be made through the following link, [tinyurl.com/mryxnaec](http://tinyurl.com/mryxnaec) or by calling (701) 751-3400.

## Board Members Selected to Serve on Legislative Committee

The following school board members were selected to serve on NDSBA's 2023 Legislative Committee:

### Northwest Region

Dustin Hager – Rugby  
Collette Hertz – Harvey  
Mike Lautenschlager – Lewis & Clark

### Southwest Region

Karl Lembke, NDSBA Past President – Bismarck  
Lucas Greff, NDSBA Vice President – Mott-Regent  
April Dutchuk – Killdeer  
Michelle Orton – Dickinson

### Northeast Region

Monte Gaukler – Grand Forks  
Marlana Knudson – Mayport-CG  
LeeAnn Johnston – Devils Lake

### Southeast Region

Patti Stedman, President – West Fargo  
Robin Nelson – Fargo  
Jason Rohr – Jamestown

The legislative committee will meet weekly during the 2023 Legislative Session. Please thank and congratulate these members for their commitment to serving North Dakota school districts!

**RETURN SERVICE REQUESTED**



**Wyndmere School District**

Contact: Alexis Baxley  
Phone: 701-255-4127  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Website: [www.ndsba.org](http://www.ndsba.org)  
Deadline: January 10, 2023  
Position Begins: July 1, 2023

**Mandaree School District**

Contact: Alexis Baxley  
Phone: 701-255-4127  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Website: [www.ndsba.org](http://www.ndsba.org)  
Deadline: January 16, 2023  
Position Begins: July 1, 2023

**New Town School District**

Contact: Alexis Baxley  
Phone: 701-255-4127  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Website: [www.ndsba.org](http://www.ndsba.org)  
Deadline: January 16, 2023  
Position Begins: July 1, 2023

**Tioga School District**

Contact: Alexis Baxley  
Phone: 701-255-4127  
Email: [alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Website: [www.ndsba.org](http://www.ndsba.org)  
Deadline: January 23, 2023  
Position Begins: July 1, 2023

**Velva School District**

Contact: Dr. Brian Duchscherer, DLS  
Phone: 701-321-5719  
Email: [dduchscherer.brian@gmail.com](mailto:dduchscherer.brian@gmail.com)  
Website:  
[www.dakotaleadershipsolutions.com](http://www.dakotaleadershipsolutions.com)  
Deadline: February 1, 2023  
Position Begins: July 1, 2023

**St. John School District**

Contact: Mary Vandal  
Phone: 701-477-5651  
Email: [mary.vandal@k12.nd.us](mailto:mary.vandal@k12.nd.us)  
Application: Letter of Application,  
Resume, and Three Letters of  
Reference  
Deadline: February 3, 2023  
Position Begins: July 1, 2023

**Kindred School District (Application opens Jan. 1)**

Contact: Melanie Moffet  
Phone: 701-428-3177  
Email: [melanie.moffet@k12.nd.us](mailto:melanie.moffet@k12.nd.us)  
Deadline: February 15, 2023  
Position Begins: July 1, 2023



**New Member Seminar**

February 2, 2023  
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