



bulletin



JANUARY 2012

Excellence in North Dakota public education through local school board governance ■ VOL XXXVII ISSUE 1

Congress Passes 2012 Budget

Hours before a Continuing Budget Resolution was set to expire on December 16, Congressional leaders negotiated an agreement for a final Fiscal Year 2012 appropriations bill (H.R. 2055) that included funding for education programs. The budget will be in effect until September 30, 2012. Grants from the U.S. Department of Education should reflect the initial funding levels proposed minus a mandatory 0.189 percent across-the-board cut legislated to help fund disaster relief efforts.

The Department of Education was successful in fending off House efforts to scrap programs such as Race To The Top (RTTT)—a program that distributes hundreds of millions of dollars through a competitive process requiring states to implement programs promoted by Secretary Duncan. In order to fund RTTT, reductions were enacted to programs such as school improvement, English language acquisition, career and technical education, striving readers, teacher incentive fund, education technology, and school counseling—programs used every day by local school districts across the country to improve student

achievement.

For a host of reasons, many are not pleased with the move toward competitive grants to finance education initiatives. For example, several House members pushed to eliminate these competitive programs in favor of a significant one billion dollar increase to formula-funded programs for disadvantaged children and students in special education.



Furthermore, small rural states like North Dakota will most likely never qualify for Race To The Top grants because they require strong early childhood education programs. The North Dakota legislature has not supported pre-K education.

The National School Boards Association lobbied to direct funds away from competitive grants, like Race To The Top, toward formula-funded programs. Increased funding of current mandated education programs would show good faith on the part of Congress to meet funding

level promises it made when these programs were initially put in place. Yet, as it stands now, Congress bleeds funds away from formula-funded programs such as special education (IDEA) and Title I in order to fund new initiatives that are competitive in nature.

That current funding practice is particularly troublesome since IDEA and Title I impose the majority of federal requirements on local school districts. Although federal funding for Title I is currently \$14.46 billion, an adequate level would be \$38 billion—the amount necessary to address education needs of the nation's 9.5 million school-age children living in poverty. The shortfall of \$23.5 billion is made up on the local and state level. This shortfall occurs at a time when the economic recession has added more students to the national poverty count.

NSBA and other education organizations continue to urge Congress and the Executive Branch to appropriate funding necessary to support local and state efforts in raising student achievement and to fully fund Title I and IDEA mandates.

School Board Recognition Month

January is School Board Recognition Month. NDSBA thanks those individuals who devote time and energy to North Dakota students by serving on their local school boards. They are extraordinary citizens.

North Dakotans know the best government is closest to people it serves. Board members live and

work close to students, parents, and educators and, therefore, know their needs and desires better than anyone.

The work of school boards forms the foundation for excellence in instruction and student academic success.

Director of Legal Services (Part-Time)

The North Dakota School Boards Association seeks an experienced attorney to provide legal services and direction to school boards. Starting at 15 hours/week, this at-will, part-time position involves responding to phone calls and emails from board members on a daily basis, reviewing policies, and presenting sessions on legal topics at seminars. Starting salary at 15 hours/week is \$30,000-\$40,000 based on experience and includes a Simplified Employee Pension (SEP) retirement plan. This position has the potential to become full-time. License to practice law in North Dakota is required; experience with school law and/or public employment law preferred. **Apply by March 15, 2012.** Background checks will be conducted on applicants selected for an interview. Application materials and job description are available at www.ndsba.org or call 701-255-4127.



from the director's chair

■ by Jon Martinson, NDSBA Executive Director

Keep Decision-Making Local

The topic of Measure 2 came up during Christmas dinner conversation at my relative's house. The only argument one relative had for eliminating property taxes was, "Who could possibly be against that?" Not much of an argument, but that's as deep as she could go. So I asked a few questions: Given that the measure will be voted on in June but is retroactive to January 1, what impact will it have on funding the previous six months? She didn't know. Then I asked her since many state and private organizations pay a fee "in lieu of" property taxes, is it possible for a local government to continue assessing a fee in lieu of a tax that no longer exists? She thought probably not, but couldn't be sure because she "really hadn't thought about it that much."

Let's think about the impact if Measure 2 passes. First, there will be a loss of local control for literally hundreds of political subdivisions including not only school districts, but also park districts, city commissions, county commissions, township boards, water districts, soil conservation districts, as well as fire and police departments.

Second, approval of budgets would shift from locally elected officials to the state legislature. School board members would be reduced to acting as pass-through officials for state money—undoubtedly with strings attached. So much for citizen participation and input in your community.

Lastly, consider what could happen to progress made with the school funding formula. To refresh your memory, the North Dakota Commission on Education Improvement was created in 2006 by Governor John Hoeven's executive order to stay a funding lawsuit filed by citizens in Williston, Grafton, Devils Lake, Surrey, Larimore, United Public, Hatton, Thompson, and Valley City. This lawsuit against the state claimed the public school finance system for elementary and secondary schools

violated the North Dakota Constitution because the school funding formula was inequitable—a situation that had existed for quite some time. During the five years of the Commission's life-span, the school funding formula was changed and is much more equitable now. However, that progress is vulnerable if Measure 2 passes.

Consider this. In his testimony presented to the legislative Property Tax Measure Review Committee, Doug Johnson, executive director of the ND Council of Educational Leaders, said that equalization adjustments would be significantly impacted by Measure 2 because calculations for determining high valuation offsets, equity payments, and transition minimums and maximums are currently based on property valuations for each school district. Measure 2 removes "full and true" value with "market" value of all calculations done when determining imputed valuation per pupil, high valuation offset, and equity payments. As a consequence, Dr. Johnson expressed concern that the current funding formula would need to be "recalibrated" or restructured entirely based on market value. How much time would county auditors need in order to provide the market value of all property? Dr. Johnson also expressed concern that if a recalibration were required, it likely would mean a change in the distribution of state foundation aid payments for 2012-2013. School districts that had already adopted budgets based on income from both the state foundation aid payment and revenues from property tax levies based on 2011 valuations would need to rebuild their budgets. Chaos would prevail among local government agencies throughout North Dakota.

To those who think abolishing property taxes is a good idea, please look critically. Look deeply, consider the consequences, and be careful what you wish (vote) for.

bulletin

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Law Requires Long-Range Planning for Districts

North Dakota Century Code 15.1-07-26 requires school boards to engage in a formal long-range planning process in even-numbered years. **Between January 1 and June 30**, every board must invite the public to participate in the planning process to address effects of demographic changes in the school district over the next three and five years.

Data discussion and the final plan should specifically address effects of demographics on:

1. Academic and co-curricular programs
2. Instructional and administrative staffing
3. Facility needs and utilization
4. District tax levies and expenditures

Because AYP results and status of teacher qualifications are part of No Child Left Behind's required report to the community, NDSBA suggests districts include data pertaining to these issues in documents and discussions. Districts

will also want to review 2011 legislative action that created new requirements including course requirements for graduation/scholarships, number of school days, and significant increases in TFFR contributions.

If demographic changes are likely to impact the district's ability to meet state requirements, it is critical that the plan also address these issues. It has become evident that unusual enrollment increases are prevalent in certain parts of the state, so facility and program delivery planning become even more important.

The planning process begins with gathering pertinent data recorded on forms easily understood by the public. Once these data are available, the



board and administration meet to review trends and discuss recommendations. Following board review, a public forum should be held to present the data to the community and receive input regarding recommendations. After the public has voiced concerns and suggestions, the board acts on goals and action steps that complete the district's final long-range plan report. **By June 30, 2012, notice must be published in the district's official newspaper indicating the planning report is complete and available upon request.**

Data gathering forms can be downloaded from our homepage at: www.ndsba.org

Buresh Named Superintendent of the Year

Fargo Public Schools Superintendent Dr. Rick Buresh has been named North Dakota Superintendent of the Year by



the ND Association of School Administrators. Buresh will represent North Dakota in competition for National Superintendent of the Year. In addition, he will be

honored along with finalists from other states at the National Conference on Education in Houston, Texas, on February 16-19, 2012.

Dr. Buresh is recognized for his efforts to close a system-level achievement gap in the school district and improve quality of teaching and leadership among staff. He has shown leadership in involving community stakeholders in addressing current and future educational needs and goals of Fargo Public Schools.

Dr. Buresh believes that the district has created a culture of hard work and achievement, whether in academics, athletics, fine arts, or fighting floods. This culture has enabled the staff to engage in a multitude of initiatives that have had positive impacts on students.

NDSBA Negotiations Seminar

NDSBA's Negotiations Seminar will be held **February 10-11, 2012**, at the Bismarck Doublewood Inn. The following Early Bird Sessions will be held on **Thursday, February 9:**

- 1:00 p.m.--Nonrenewal Training
- 3:15-4:00 p.m.--Nonrenewal Field Rep Training (for NDSBA Field Representatives ONLY).

The Negotiations Seminar will begin at 9:00 a.m. on Friday and finish by noon on Saturday.

Featured Speaker: Ron Wilson

Ron has had over 36 years experience in public sector negotiations in school districts, community colleges, cities, counties, and state levels. As chief spokesperson, mediator, and arbitrator, he has an extraordinary amount of experience in



labor relations and human resources.

Since 2004 Ron has served as the Executive Director for NAEN—the North American Association of Educational Negotiators. NAEN is an international professional association of management negotiators representing school districts, community colleges, and universities in the United States and Canada. With members across the continent, the association activities are quite varied and encompass training, networking, consultation, program planning, and crisis intervention in all areas of educational labor negotiations.

Ron retired in July 2007 as the Associate Executive Director of the Oregon School Boards Association (OSBA) where he had been employed since 1988. He also had directed the labor relations and negotiations programs for OSBA for 22 years.

More information and registration forms are available at: www.ndsba.org. Call the Doublewood Inn (701)258-7000 for sleeping room reservations.

We look forward to seeing you in Bismarck!

Attention: Business Managers

On December 17, 2010, President Obama signed the "Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act." This law created a one-year change in Social Security employee payroll deduction rates.

After considerable debate, Congress extended the reduced employee payroll tax rates through **February 2012**. Pay attention to what Congress does in February to know if adjustments have to be made in March.



mark your calendar

2012 NDSBA Negotiations Seminar

February 9-11, 2012
Doublewood Inn, Bismarck

2012 NSBA Annual Conference

April 21-23, 2012
Boston, Massachusetts

2012 NDSBA Annual Convention

PRE-CONVENTION
NDSBA New Member Seminar
NDCSA School Law Seminar
Thursday, October 25, 2012
Ramkota Hotel, Bismarck

ANNUAL CONVENTION
October 26-27, 2012
Ramkota Hotel, Bismarck

CenturyLink Teachers and Technology Grants Awarded

Five Teachers and Technology Grants have been awarded to North Dakota teachers. CenturyLink, through the Qwest Foundation grants, seeks to support enhanced student learning and engagement by encouraging teachers to be innovative in their classrooms. Grants of \$5,000 were awarded to:

- Darcy Blegen at Larimore Elementary School—"iPads Supporting STEM Education"
- Misti Werle and Brenda Beiswenger at Saxvik and Jeannette Myhre Elementary Schools, Bismarck—"Networking with Netbooks"
- Kathy Lentz at Washington Elementary School, Valley City—"Preparing for the 21st Century"
- Megan Sharp and Jennifer Zacher at Simle Middle School, Bismarck—"Innovative Classroom"

• Brenda Jensen, Sandy Strahm and Jennifer Schneider at Washington Elementary School, Jamestown—"Technology at your Fingertips"
Congratulations to grant winners!
You can see grant summaries for the winning projects at:
<http://www.ndetc.k12.nd.us/programs-and-activities/grants>



superintendent vacancies

Fargo School District

Contact: Ray and Associates, Inc.
319-393-3115
e-mail: glr@rayassoc.com
Apply online: www.rayassoc.com
Deadline: February 28, 2012
(Do not contact district directly)

Devils Lake School District

Contact: Deb Budish, Admin. Asst.
1601 College Dr. N.
Devils Lake, ND 58301-1550
701-662-7640
e-mail: deb.budish@sendit.nodak.edu
Apply online: www.dlschools.org
Deadline: January 25, 2012, at 4:00 p.m.

Grenora School District

(Superintendent/HS Principal)
Contact: Jennifer McNamara, BsMgr.
PO Box 38
Grenora, ND 58845-0038
701-694-2711
Deadline: Open

Superintendent Evaluations

North Dakota law requires school boards to have completed superintendent evaluations before **March 15**. This means the gathering of data, compiling results, reviewing, and voting on the final evaluation must all take place before the deadline date.

Since most school boards only meet once a month, the process should begin early enough to complete it at an open school board meeting before **March 15**.

If you have questions regarding the superintendent evaluation process, call Gary Thune at (888)333-0134.



2012 School Election Deadlines

The following is a mock timeline using June 12, 2012, as an example election date. If you have a different election date, compute your schedule in accordance with state law cited below. Also, please be aware of the following 2011 amendment to North Dakota school election law: "For school board elections held in conjunction with county elections, the county election boards shall administer the election in the same manner as the county or state election." NDCC 15.1-09-13 (4)

March 14, 2012

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)

MARCH '12						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 1- June 30, 2012

The board of a school district shall hold an election each year between April first and June thirtieth to fill all vacancies, including those caused by the expiration of terms of office. (NDCC 15.1-09-22)

MAY '12						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 13, 2012

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. . . the document 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 sixtieth day before the election. (NDCC 15.1-09-08)

May 3, 2012

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)

APRIL '12						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 8, 2012

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))

JUNE '12						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 8, 2012

At least thirty-five days prior to the annual election, the board of each school district shall designate one or more polling places for the election. 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, 2011

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, 2012

School board election