



# bulletin



SEPTEMBER 2011 *Excellence in North Dakota public education through local school board governance* ■ VOL XXXVI ISSUE 9

## Annual Compliance Report for School Approval

The Department of Public Instruction (DPI) has sent notice to all school districts regarding changes to the school approval process that were made during the 2011 Legislative Session.

All schools are now required to submit an Annual Compliance Report to DPI **by OCTOBER 1** of each school year in order to be declared "APPROVED" and receive foundation aid. If a school does not submit a satisfactory Annual Compliance Report by the deadline, they will **permanently** forfeit foundation aid for each day the report is late. Districts must be diligent in submitting the reports to DPI on time.

In order to obtain certification that a school is approved, the administrator of the public school shall submit to the Superintendent of Public Instruction the Annual Compliance Report verifying that each school is in compliance with statutory requirements. By providing the report with signatures of the school principal and district superintendent and **formally approved by the school board**, the school/district is providing assurance of the following:

### Valid Teaching License Pre-K-12

Each classroom teacher is licensed or approved to teach by the Education

Standards and Practices Board. NDCC 15.1-09-57

### Highly Qualified Teachers Pre-K-12

Each classroom teacher is teaching only those courses or fields for which the teacher is licensed or for which the teacher has received an exception under NDCC 15.1-09-57.

### Curriculum Pre-K-12

The school meets all curricular requirements set forth in NDCC 15.1-21.

### Safety Requirements Pre-K-12

The school has been inspected by the state fire marshal or designee in accordance with NDCC 15.1-06-09 and (a) has no unremediated deficiency; or (b) has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or designee.

### Background Checks Pre-K-12

All individuals hired after June 30, 2011, and having unsupervised contact with students at the school have: (a) undergone a criminal history background check requested by the employing district; or (b) undergone a



criminal history background check in order to be licensed by the Education Standards and Practices Board or any other state licensing board. NDCC 15.1-06-06

### Review Process Pre-K-12 (public schools only)

The school participates in and meets requirements of a review process that is (a) designed to improve student achievement through a continuous cycle of improvement; and (b) approved by the Superintendent of Public Instruction. NDCC 15.1-06-06

Approval and Accreditation letters will no longer be issued by DPI. The October 1 Annual Compliance Report will be the new standard that was previously held through state accreditation. The DPI Approval and Accreditation staff will use a school's five-year continuous cycle of improvement to determine a timeline for monitoring each public school. This process may include a five-year approval system. DPI may monitor any public school more than once within a five-year cycle in an effort to assist a school in raising student achievement.

Entities requesting "Accreditation" status from a school participating in the North Dakota School Improvement

*Continued on page 4*

## Handbook for School Board Members Updated

NDSBA's *Handbook for School Board Members* has been updated to reflect changes in state and federal law/regulations. The handbook is available at: [www.ndsba.org/handbook/search.asp](http://www.ndsba.org/handbook/search.asp).

In the Table of Contents, titles of sections that have been updated are in red. If you have hard copies of the handbook, be sure to discard outdated sections and replace them with new ones. It is important that you use the most recent version of each section.



# from the director's chair

■ by Jon Martinson, NDSBA Executive Director

## States Threaten To Defy “No Child Left Behind”

No Child Left Behind is broken. It's been broken for a long time and Congress has been unwilling to do anything about it. For some reason, the education of America's children has become a political hot potato. Almost since the day the Elementary and Secondary Education Act (ESEA) was reauthorized on January 8, 2002, as the No Child Left Behind Act (NCLB), educators saw the pitfalls of this flawed legislation. Each year NDSBA, along with dedicated school board members around the state, attend NSBA's Federal Relations Network conference and visit Capitol Hill to talk with our Congressional Delegation. Our purpose is to advocate for changes in NCLB--changes such as replacing a flawed accountability

framework, ensuring valid and reliable assessments for all students, providing for multiple measures of achievement, and supporting use of growth models, to name a few.

Frustrated by the ongoing inability of Congress to reauthorize NCLB (there is a presidential election next year, after all), education officials in Montana, Idaho, and South Dakota have notified the U.S. Department of Education that they will “just say no” to No Child Left Behind. These states have indicated that they will stop the clock as the 2014 deadline approaches for bringing all students to proficiency in math and language arts. Thus, they intend to freeze target test scores at 2009-10 levels in an effort to limit the number of schools that fail to make adequate yearly progress.

Idaho says it will just ignore the law. Idaho Superintendent of Public Instruction Tom Luna has said that Congress is gridlocked and “we're not going to be a pawn in those games.” Furthermore, he says, “The law has become a stumbling block to continued improvement in raising student achievement. We don't have the luxury of time and resources to continue on with the federal law that should have been rewritten four years ago.”

Wayne Sanstead, North Dakota's state superintendent of public instruction, said, “The rub in all this results from the fact that Congress has failed to reauthorize the ESEA and has put both the feds and state departments of education in a box where we don't have the ability to deal with anything because there has been no action. The onerous mandate requiring 100% of students to be proficient was a preposterous goal from the very beginning.” Having made that comment, Dr. Sanstead hastened to add that “one positive aspect of NCLB, at least

in North Dakota, is that all groups of students are doing better because we are paying closer attention to groups that need special attention.”

Kentucky is also rebelling by asking Secretary of Education Arne Duncan for permission to use its own accountability system in place of NCLB. Secretary Duncan recently confirmed that he will grant waivers from some NCLB test score requirements to states that agree to adopt policies he favors. However, get this: Rewriting of federal law by the administration, not Congress, may be illegal. House Education Committee chair John Kline (R-MN) has questioned the Department of Education's legal authority to grant waivers “in exchange for reforms not authorized by Congress.”

Ordinarily this column would find a positive note on which to end. However, Angela Korsmo (West Fargo), Kirsten Baesler (Mandan), Dinah Goldenberg (Fargo), Ben Auch (Mott-Regent), Jim Rostad (Minot), Jim Johnson (Fargo) and I had open and honest conversations on Capitol Hill last February and we were told NCLB will not be reauthorized this year. Or next.

## bulletin

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**EDITOR** Bev Nielson

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

**EXECUTIVE DIRECTOR**

Jon Martinson, Bismarck

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## Designate Delegates and Alternates

NDSBA's Annual Convention is an excellent event for board member development. It is also the time NDSBA elects state board members and adopts resolutions that drive our legislative agenda.

Resolutions are voted on at the Delegate Assembly where registered delegates are responsible to cast votes representing their local boards.

Resolutions that are passed dictate NDSBA's collective legislative position on critical issues. It is important to review proposed resolutions as a board so your delegates come prepared.

Convention delegates and alternates should be clearly noted on the district's registration form that must be received in the NDSBA office no later than **October 14** in order to vote at Delegate Assembly. Only those registered as alternates **BY THIS DEADLINE** will be allowed to substitute for a registered delegate. There will be no exceptions.

# 2011 NDSBA ANNUAL CONVENTION

## TENTATIVE PROGRAM

Ramkota Hotel, Bismarck

### PRECONVENTION SESSIONS

#### THURSDAY, October 27

- 8:00-9:00 a.m. Registration and Continental Breakfast
- 8:55-3:30 NDCSA School Law Seminar
- 9:00-4:00 NDSBA New Member Seminar
- 3:30-5:00 p.m. Early Registration - Dakota Ballroom Coatrium
- 5:30 p.m. NDSBA Board of Directors' Meeting  
Business Managers' Board Meeting

### NDSBA CONVENTION

#### FRIDAY, October 28

- 7:30 a.m. Registration - Dakota Ballroom Coatrium
- Exhibit Visitation - Courtyard (coffee and rolls available)
- 8:00-9:30 **GENERAL SESSION** - Imagination Library presentation by North Dakota First Lady Betsy Dalrymple
- Keynote Address** - *Take This Job and Love It*  
**Dr. David R. Landsverk**, retired teacher, principal, superintendent and past Minnesota Superintendent of the Year

- 10:00-10:45 **CLINIC SESSIONS:**
  - Focus on Student Success - ND University System
  - Dolly Parton's Imagination Library
  - Leadership Track (10:00-11:45): What boards need to know about poor teacher performance; Recent NDEA negotiations tactics used in a rural school; Using data to improve student achievement
  - Educational Challenges: Growing with Energy
  - Foundation Aid for Your School
- 11:00-11:45 **CLINIC SESSIONS:**
  - Rural Schools: An Underappreciated Educational Asset
  - Gearing Up for Kindergarten: A Collaborative Approach to School Readiness
  - Leadership Track (continued)
  - School Health Advisory Councils
  - How to Implement the New Bullying Law
- 11:30-12:15 Business Managers' Lunch Buffet
- 12:00-1:30 Lunch Buffet & Exhibit Visitation

- 1:30-2:15 **CLINIC SESSIONS:**
  - What's New with ESPB and the Teacher Support System
  - How to Make Your School ND Scholarship Friendly

1:30-2:15 (cont'd)

#### CLINIC SESSIONS:

- Supt./Principal Evaluation and Nonrenewal
- Youth Risk Behavior Survey
- PERS Information for Business Managers
- NDHSAA - Current Issues
- ND Small Organized Schools Annual Meeting (1:30-3:15)

#### CLINIC SESSIONS:

- Classroom Technology: Improving Education or Stifling Student Development (teacher panel)
- Secondary Education in North Dakota - Assessment and Performance
- Increasing Student Opportunities with REAs
- Olweus Bullying Prevention Program Overview
- Recent Legal Issues

#### First Business Session & Delegate Assembly

Business Managers' Business Meeting  
NETWORKING SOCIAL for All Convention Attendees

3:30

4:30-5:30

### SATURDAY, October 29

7:00 a.m. Buffet Breakfast

8:00-8:45

**GENERAL SESSION** - *Tragedy Can Strike Anywhere: Be Prepared!*  
**Linda Poole, Dr. Keith Lutz, Amy Friedman, Millard, Nebraska**

9:00-9:45

#### CLINIC SESSIONS:

- Using Balanced Classroom Assessment to Enhance Student Learning and Achievement
- Standing Rock Dropout Prevention Initiative
- Initiated Measure #2: The Impact on School Districts of Eliminating Property Tax
- Retro-Resilience: Restoring Our Children's Coping Skills
- Board Members' Questions, NDSBA's Answers
- Shop Talk for Business Managers

10:00-10:45

#### CLINIC SESSIONS:

- Abstinence Education in the Classroom
- The School Board's Role in Dropout Prevention
- Fraud in School Districts
- Leading the Way with a Tobacco-Free Campus Policy
- Teachers' Fund for Retirement - 2011 Legislative Impact
- Question Box for Business Managers

11:00

#### Second Business Session & Delegate Assembly

12:00 noon

Adjourn (no lunch provided)

## ■ COMPLIANCE

*Continued from page 1*

Process will be informed that the state now uses the term "Approval." This will be the assurance that schools provide in situations regarding university placement, grant obligations, and/or enrollment of foreign exchange students.

Schools or school systems seeking AdvancED/NCA Accreditation will continue that school improvement process and receive their accreditation status according to AdvancED/NCA guidelines.

During this Interim, DPI will facilitate a study to determine desirability and feasibility of developing, implementing, and administering an accreditation system that is designed to increase student achievement.

## Nominating Committee Slates Candidates

In accordance with the NDSBA Constitution, President Angela Korsmo named the following to serve as the Nominating Committee for the purpose of slating candidates for the association's elections at the Annual Convention: Ben Auch, Mott-Regent (Chair); Larry Luick, Fairmount; and Lawrence King, Bismarck.

The committee met on August 19 and voted to forward the following slate of candidates:

President: **Angela Korsmo**, West Fargo School Board (incumbent)

Vice President: **Jannell Lagein**, North Central School Board (current NE Director)

Southwest Director: **Kirsten Baesler**, Mandan School Board (incumbent)

Northeast Director: **Jennifer Johnson**, Larimore School Board  
**Warren Jonasson**, Langdon Area School Board

**Roger Pohlman**, Grand Forks School Board

Delegates will vote between 7:30 and 10:00 a.m. on Saturday, October 29, at the NDSBA Convention.

This study will involve participation of selected educators who will examine accreditation systems used by other states. Suggestions from North Dakota educators serving in instructional and administrative roles, representatives of education organizations, and other interested individuals will be received

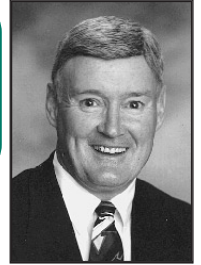
and reviewed.

DPI will provide regular reports to the Governor and the Interim Education Committee.

For additional information, contact Linda Paluck, DPI Director of School Approval and Accreditation, at 701-328-1718 or [lpaluck@nd.gov](mailto:lpaluck@nd.gov).

## comments of counsel

■By Gary R. Thune, NDSBA Legal Counsel



## 32ND ANNUAL SCHOOL LAW SEMINAR

The thirty-second annual School Law Seminar, sponsored by the North Dakota Council of School Attorneys, will lead off the NDSBA Annual Convention commencing at 8:55 a.m. on Thursday, October 27, 2011. The following topics will be offered to assist and inform school attorneys, school board members, administrators, and business managers.

### BULLYING, SEXUAL HARASSMENT, AND THE OCR

The opening session of this year's seminar, featuring Tiffany Johnson (NDSBA's Associate Legal Counsel), Alyssa Martin (NDSBA's Director of Policy Services), and a representative from the Office of Civil Rights (OCR), will address two of the hottest topics in school law – namely bullying and sexual harassment.

### POTPOURRI – SESSION I

Following a short break, I will present the first of two Potpourri sessions, which will include recent changes to the Veteran's Preference law, lawsuits and open records, issues involving teacher personnel files, and at-will employment status.

### LUNCH AND 2011 LEGISLATION

During the noon lunch (included in your registration fee), Alyssa will provide an overview of recent legislation that is of particular significance to public schools and impacts school policies.

### POTPOURRI – SESSION II

To begin the afternoon session, Tiffany will discuss drug testing and searches of school employees, open

meetings and OCR, and the laws governing donations of money to non-profit organizations.

### INVESTIGATING EMPLOYEE CONDUCT

I will review issues surrounding patron complaints about public school personnel and basic practices and procedures that administrators and board presidents should follow when investigating and reporting results of investigations into employee conduct.

### WHO'S BEING SUED? – PARTS I AND II

Tiffany and I will close out the afternoon session with a review of pending and recently decided litigation and education hearings brought against public schools in North Dakota. Status reports will be provided concerning ongoing cases, as well as those which have been decided or settled. These topics are presented to assist in keeping our schools out of court or, in the alternative, placing them in the best position to win (the goals of NDSBA's Legal Services Program).

### YOU'RE INVITED!

Please plan to join us on **THURSDAY, OCTOBER 27**, at the Ramkota Hotel in Bismarck for the **Thirty-Second Annual School Law Seminar**. By sending in the early registration form mailed to your school district (also available on NDSBA's website at [www.ndsba.org](http://www.ndsba.org)), you can take advantage of the lower registration fee and ensure availability of printed materials when you check in as a preregistered participant. We look forward to seeing you there!

# Governmental Affairs Committee Resolutions Report

The NDSBA Governmental Affairs Committee (GAC) convened on August 24 to review and recommend resolutions for consideration by the Delegate Assembly at the Annual Convention.

All 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.

Following are recommendations of the GAC:

## NEW RESOLUTIONS RECOMMENDED FOR ADOPTION

### PROPERTY TAX INITIATED MEASURE

**Whereas**, property taxation provides communities a measure of local control; and

**Whereas**, school districts rely on taxing authority to provide educational services beyond what the state is willing or able to provide; and

**Whereas**, property taxation is the sole means available to school districts for capital improvements; and

**Whereas**, estimates of the state money necessary to replace property tax revenues does not include funds for capital improvements; and

**Whereas**, total dependence on dollars appropriated by the state legislature prevents school districts from addressing unique local needs; and

**Whereas**, if districts have no local option to tax, education would be competing with all other obligations of the state for adequate funding; and

**Whereas**, the most fair and effective taxation system provides a balance of income, sales, and property tax; and

**Whereas**, in order for communities to retain a meaningful level of local control regarding the standard of educational opportunities for their students, public school boards and patrons must have the ability to raise local funds;

**Therefore, be it resolved** that NDSBA oppose efforts to eliminate local property taxation in North Dakota. (Governmental Affairs Committee)

### CURRICULUM CONTENT

**Whereas**, the state legislature sets required course offerings; and

**Whereas**, state curriculum standards and benchmarks are established by the Department of Public Instruction; and

**Whereas**, North Dakota's curriculum standards are aligned with National Standards; and

**Whereas**, school districts should have discretion in choosing specific curricular materials which meet local needs as well as state standards;

**Therefore, be it resolved** that NDSBA oppose state or national efforts to further define and mandate specific curriculum content. (Governmental Affairs Committee)

### **RESOLUTIONS REQUIRING REVIEW RECOMMENDED FOR READOPTION AS WRITTEN**

#### NON-EDUCATION FUNDS TO PROVIDE FOR SAFETY ISSUES INCLUDING SCHOOL RESOURCE OFFICERS AND HEALTH AND NURSING SERVICES

NDSBA shall seek legislation that commits additional non-education resources to provision of these necessary services so school districts may continue to provide for educational needs of students and receive support necessary to continue these very important non-educational services necessary to ensure safety and health of all students in the state of North Dakota.

#### K-12 FUNDING ADEQUACY

NDSBA will take a lead role in discussions on what a commitment to "adequate funding" requires of the state to meet its obligation to its students.

#### SALES AND USE TAX EXEMPTIONS OF SCHOOL CONSTRUCTION SUPPLIES AND MATERIALS

NDSBA will support the state making supplies and materials purchased by school districts through contracts with contractors for construction projects exempt from sales and use tax.

#### TEACHER NONRENEWAL

NDSBA will seek legislative changes that would provide that any teacher

newly hired after August 15 would be excluded from the continuous contract and would be covered by the provisions of NDCC 15.1-15-03.

### REMOVING COMPENSATION FROM NEGOTIATIONS

NDSBA shall support legislation amending the collective bargaining law to exclude compensation.

### NINTH GRADE ALTERNATIVE SCHOOLING

NDSBA shall seek changes in eligibility for attendance in alternative high school programs contained in Agency Rules 67-16.01 from "students must be from the ages of 16-21" to "students must be at least at 9th grade level or age 16 and not older than 21."

### **RESOLUTIONS REQUIRING REVIEW RECOMMENDED FOR READOPTION AS AMENDED**

#### NO CHILD LEFT BEHIND ASSESSMENT

NDSBA shall meet with the ND Department of Public Instruction and formally request that they develop and submit to the Department of Education for approval a growth model to measure Adequate Yearly Progress in the state of North Dakota which follows the bright-line principles of No Child Left Behind and encourage DPI to offer state assessments in the spring rather than the fall.

#### PUBLISHING MINUTES

NDSBA will support legislation and seek sponsorship for legislation which would amend the requirement that school boards pay to publish minutes as defined in NDCC 15.1-09-31 ~~to include the estimated publishing cost on the ballot.~~

### **RESOLUTIONS LESS THAN FOUR YEARS OLD RECOMMENDED TO BE DROPPED**

The following resolutions are less than four years old but are recommended to be dropped because they have been accomplished or are no longer relevant.

*Continued on page 6*

# RESOLUTIONS

Continued from page 5

## COMMISSION ON EDUCATION IMPROVEMENT

NDSBA shall support the North Dakota Commission on Education Improvement as the vehicle for comprehensive study of K-12 education equity and adequacy.

*Adopted in 2010. The Commission is no longer constituted or supported by the legislature.*

## COMMISSION ON EDUCATION IMPROVEMENT

NDSBA shall support the legislature of North Dakota continuing to authorize and fund the North Dakota Commission on Education Improvement beyond the

current sunset date established by the 61st Assembly of the Legislature.

*Adopted in 2010. The legislature did not continue support of the Commission.*

## KINDERGARTEN ASSESSMENT TIME

NDSBA shall support legislation to empower school districts to conduct up to two fewer student contact days (no fewer than 172 days) for kindergarten than required by the state (174 days), provided that the other one or two days are dedicated to readiness and formative assessment of in-coming kindergarten children prior to the start of school.

*Adopted in 2010. The intent of this resolution was supported by the 2011 Legislative Assembly.*

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 Friday afternoon.
2. At the Second Business Session on Saturday morning, the chair will ask if there are resolutions that were distributed on Friday. 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 debated and voted on by the Delegate Assembly.



mark  
your calendar

### **2011 NDSBA Annual Convention**

PRE-CONVENTION

*NDSBA New Member Seminar*

*NDCSA School Law Seminar*

Thursday, October 27, 2011

Ramkota Hotel, Bismarck

ANNUAL CONVENTION

October 28 & 29, 2011

Ramkota Hotel, 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



superintendent.  
vacancies

### **Fort Totten School District**

(Grades 9-12)

Contact: Anita Black, BsMgr.

(701)766-1438

Deadline: Open