



NDSBA POLICY UPDATE

AT A GLANCE

- Third Quarter Update
- Updating Policies on the Policy Services Website
- Updated Policy Services Membership Tiers

The NDSBA Q3 Policy Update is here! This quarter, NDSBA updated five policies, one exhibit, one administrative regulation, and created a new exhibit. These updates are part of our ongoing effort to ensure that our template policy documents remain current and compliant with legal requirements. We remain committed to providing our Policy Services members with relevant, insightful, and accessible resources to navigate the ever-changing landscape of policy services. As part of this process, NDSBA will continue updating policy templates across all tiers, introducing new relevant templates, and removing outdated ones to better serve our members. If NDSBA reviews a policy, exhibit, or regulation and makes any substantive revisions (e.g., revisions due to change in the law, change in the content, change in the title, etc.), NDSBA recommends updating your document to reflect those revisions. However, if NDSBA makes only non-substantive revisions (e.g., revisions due to formatting changes, grammatical corrections, spelling corrections, etc.), you are not required to update your document accordingly. You may choose to update any non-substantive revisions at your own discretion.

To our webhosted districts: NDSBA pushed your district the updated policies through the policy services website. To access, edit, and publish updated policies, please see the instructions emailed to your district's policy liaison by lexie.bergstrom@ndsba.org. There are additional videos and resources to help further navigate and understand this process on the ndsba.org website. You can access these resources by logging in, selecting the "Policy Services" tab across the top ribbon of the homepage, and then clicking the "Policy Updates" link.

Please note: NDSBA updated the policy services membership tiers. The Basic Membership tier was eliminated. The remaining membership tiers are: Required, Total Template, and Webhosted. NDSBA is also in the process of creating a new policy manual for our multi-district special education units. This manual will include a narrowed scope of already-existing NDSBA sample policies and supporting documents, but they will be tailored specifically to suit the function and procedures of multi-district special education units. We're very excited about this new manual, so be on the lookout for it coming soon! For more information on the membership tier structure and pricing, please contact Sheila Long at (701) 255-4127, or sheila.long@ndsba.org.

The following policies, regulations, and exhibits were updated this quarter:



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- **Required Policy AACA, Section 504 of the Rehabilitation Act of 1973 Policy**
 - Policy AACA was amended to include more specific definitions, requirements, and recommended procedures for school districts to follow in identifying, servicing, and accommodating qualified students with disabilities under Section 504. This policy is intended to provide specific, more practical assistance with Section 504 coordinators and teams who are tasked with following required procedures under federal law, including identifying, evaluating, and placing qualified students; convening a 504 (or other) team; developing a 504 plan (or another appropriate individualized program or plan); providing qualified students with a free and appropriate public education (FAPE) under Section 504; following procedural safeguards; and complying with other statutory regulatory provisions of Section 504. NDSBA recommends updating your district's policy AACA to reflect these updates.
- **Administrative Regulation AACA-AR, Section 504 Evaluation Standards and Procedures**
 - Administrative Regulation AACA-AR was updated to provide more specific, practical assistance with Section 504 coordinators and teams who are tasked with following required procedures under federal law. Several substantive edits were made to the regulation to reflect this update. NDSBA recommends updating your district's regulation AACA-AR to reflect these updates.
- **Exhibit AACA-E2, Section 504 Eligibility Determination Form (Previously Exhibit FDE-E, Section 504 Eligibility Determination Form)**
 - NDSBA changed Exhibit FDE-E 's descriptor code to AACA-E2 because policy AACA focuses on Section 504 of the Rehabilitation Act of 1973, while policy FDE focuses almost exclusively on the Individuals with Disabilities Education Act (IDEA). No substantive changes were made to the exhibit. Board action is not required to change the descriptor code, so your district's policy liaison can update the code in your district's policy manual at their earliest convenience.
- **Recommended Policy BAA, Employing Board Members**
 - This policy was updated to clarify when a sitting board member may be employed by the district. The policy was also expanded to allow districts to choose one of two options: 1. districts may choose a full prohibition on employing board members; or 2. they may adopt a narrow exception allowing certain non-incompatible classified roles with strict safeguards (no board involvement in the hire, separation of duties, annual re-verification that positions are not incompatible and transition out when a non-board candidate is available). If a current employee is elected/appointed in a district that has chosen a full prohibition or the positions are incompatible, employment must end before the oath of office, with only a brief, controlled transition allowed. All arrangements must comply with conflict-of-interest laws and district policy. NDSBA recommends updating your district's policy BAA to reflect these updates.
- **Recommended Policy BAB, Board Conflict of Interest**
 - This policy contains significant updates to better assist boards in handling conflicts of interest as they arise in board service. It requires board members to disclose conflicts and generally vote on all matters unless legally disqualified. For contracts using school funds, participation is allowed only with unanimous consent of the remaining members; for quasi-legislative/judicial matters (e.g., hearings), participation requires majority consent of the rest of the Board. The policy also provides practical guidance on how to place conflicts on the board agenda and provides a procedure for addressing conflicts at the board meeting. NDSBA recommends updating your district's policy BAB to reflect these updates.

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- **Required Policy FDE, Education of Special Education Students/Students with Disabilities Under the IDEA (previously titled, “Education of Special Education Students/Students with Disabilities)**
 - Policy FDE was significantly amended to include a number of substantive changes in compliance with the Individuals with Disabilities Education Act (IDEA). This policy now focuses almost exclusively on the required federal requirements under the IDEA and provides special education personnel, teachers, administration, and IEP team members with a roadmap for navigating IDEA procedures. The IDEA includes statutory-specific procedures, including identifying eligible students, conducting initial evaluations, conducting reevaluations, convening an IEP team, developing individualized education programs (IEPs), providing special education and related services by qualified personnel in the least restrictive environment, ensuring FAPE under the IDEA, implementing procedural safeguards, following required disciplinary procedures, etc. NDSBA recommends updating your district’s policy FDE to reflect these updates.
- **Recommended Policy HCBA, Vendor Conflict of Interest Disclosure**
 - This policy contains minor substantive updates and requires that any contractor or vendor with a direct or indirect relationship to a board member or employee must file a disclosure before doing business with the district. In addition, districts that allow board-owned companies to contract must also require disclosures from those members. After disclosure, purchases/contracts may proceed only if authorized according to law and policy. Board members with affected interests must disclose under applicable conflict of interest statutes before any board action on the matter. NDSBA recommends updating your district’s policy HCBA to reflect these updates.
- ***New* Exhibit HCBA-E, Vendor Conflict of Interest Disclosure Statement**
 - NDSBA created a new exhibit that includes a standardized form vendors must submit to the business office before related board action or purchase authorization. It captures vendor identity, the proposed relationship, the involved board member/employee, the nature of any personal/professional/pecuniary interest, and any safeguards to prevent favoritism. Vendors agree to update the disclosure if facts change and must certify the accuracy of the information. This exhibit is designed to assist in complying with policy HCBA’s disclosure requirements.

Policy templates are the intellectual property of NDSBA and should never be copied, reproduced, distributed, or displayed without NDSBA's permission. Policy Services members should refrain from sending any NDSBA policy templates outside their District. Members who willfully disregard the NDSBA copyright guidance risk suspension in the Policy Services program. Districts with policy template requests or questions should contact Patty Verdouw at our office at 1-800-932-8791, or patty.verdouw@ndsba.org.

You can download and/or print policies via the NDSBA Policy Services website. To access the Policy Services website: 1. Log in to ndsba.org; 2. Hover over the “BoardBook” tab located across the top ribbon of the web page and click on the “BoardBook Online Policies” drop-down option. Once on the BoardBook website, you’ll see the policy manual(s) available to your district based on your membership tier.