



# bulletin



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

MARCH 2020

*Excellence in North Dakota public education through local school board governance* ■ VOL XLV ISSUE 3

## Hard-to-Count Populations in the 2020 Census

### How can school leaders use the data?

via [www.nsba.org](http://www.nsba.org)

In the 2010 Census, nearly 1 million children (4.6% of children under the age of 5) were not counted, according to the U.S. Census Bureau. Census data helps federal, state, and local governments make policy decisions and determine how to distribute funds for programs closely related to children's health and education. Children not counted in the census can impact a community for at least 10 years until the error is corrected. For school leaders, every child matters, and accurate information supports school districts in strategically planning for funds and resources that are needed to provide every student with high-quality education.

#### Hard-to-Count Populations

Young children, non-English speakers, and low-income persons are among the list of hard-to-count populations for the 2020 Census. Based on data of the 2010 Census and the American Community Survey (ACS), the Census Bureau calculated the projected response rate in the 2020 Census for every block group in the nation. **Block Groups** (BGs) are statistical divisions of census tracts, which are small, relatively permanent statistical subdivisions of a county or equivalent entity that are updated by local participants prior to each decennial census. Block groups are generally defined to contain between 600 and 3,000 people. Data examined by the Center for Public Education (CPE), a research branch of the National School Boards Association (NSBA), has indicated that



undercounted young children are more likely to be living in high-poverty areas.

#### Accurate Data and School Projections

Accurate data should be used to project school enrollment. Projections based on missing data about children may pose a significant challenge to school leaders when handling issues such as classroom crowding and teacher shortages.

Redistricting attendance boundaries is a strategy often used by school leaders when student enrollments grow. It is unclear whether there is any relationship between redistricting and undercounting children in the Census. However, if children living in high-poverty communities were not counted in the Census, the missing information could lead to a shortage of funds and resources that children need for their life and education.

According to the Census Bureau, "The 2020 Census count impacts the federal funds that communities receive each year for programs and services that are critical for schools, students, and young children, such as: Special Education, Head Start, after-school programs, and classroom technology."

Although redistricting may partially solve issues related to budget shortages and/or overcrowding in the classroom, data has shown that the academic performance of students in some districts did not improve after redistricting. While teachers' salaries were increased in some districts, it is still questionable whether redistricting can help to retain and recruit good teachers. Some research indicates that redistricting can increase educational inequality, increase segregation within schools, and hurt already disadvantaged students and communities.

#### How can school leaders use the data of hard-to-count populations?

The data of hard-to-count populations are relevant to many school districts. According to the framework for hard-to-count populations developed by federal agencies, hard-to-count populations can be people who are hard to interview because their participation is hindered by language barriers, low literacy, and lack of internet access. In recent years, many school districts experienced a rapid growth of immigrant students, and nationwide:

- 45% of immigrant parents of young children are low-income;
- 47% of immigrant families have limited English proficiency; and
- 45% of immigrant parents have less

*Continued on page 3*



## COVID-19 Resources

A COVID-19 Resources webpage has been created on the NDSBA website homepage under QUICK CLICKS to provide the latest information and guidance. It can be accessed at <http://www.ndsba.org/>. Resources will be continually updated as the situation evolves.

MARCH 2020



# Legal Spotlight

## Dealing with Public Health Issues in Light of FERPA

by Amy De Kok, NDSBA Legal Counsel

Like other federal, state, and local officials, school

boards are increasingly having to address growing concerns regarding the spread of the COVID-19 (a.k.a. coronavirus). Many believe schools can play an important role in slowing the spread of COVID-19 in their communities. To this end, there are several factors and considerations on which school officials must focus in making decisions regarding preparedness and student/staff safety. One such consideration is how to work with public health officials in managing public health issues related to COVID-19, while protecting the privacy of students' education records as required by the Family Education Rights and Privacy Act (FERPA).

FERPA is a federal law that protects the privacy of student education records and personal identifiable information (PII) contained within those records. The law applies to all educational agencies and institutions that receive funds under any program administered by the Secretary of Education. The term

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"educational agencies and institutions" under FERPA generally includes school districts and public schools at the elementary and secondary levels, as well as private and public institutions of postsecondary education. FERPA gives parents certain rights with respect to their children's education records at educational agencies and institutions to which FERPA applies. These rights transfer to students when they reach the age of 18 or attend an institution of postsecondary education at any age. Under FERPA, a parent or eligible student must provide a signed and dated written consent before an educational agency or institution discloses PII from education records, unless an exception to the general consent requirement applies. For instance, pursuant to one such exception, the "health or safety emergency" exception, educational agencies and institutions may disclose to a public health agency PII from student education records without prior written consent in connection with an emergency if the public health agency's knowledge of the information is necessary to protect the health or safety of students or other individuals.

The health or safety emergency exception to FERPA's general consent requirement is limited in time to the period of the emergency and generally does not allow for a blanket release of PII from student education records. Typically, law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom PII from education records may be disclosed under this FERPA exception. For purposes of FERPA's health or safety emergency exception, the determination by a school that there is a specific emergency is not based on a generalized or distant threat of a possible or eventual emergency for which the likelihood of occurrence is unknown, such as would be addressed in general emergency preparedness activities.

If local public health authorities determine that a public health emergency, such as COVID-19, is a significant threat to students or other

individuals in the community, a school in that community may determine that an emergency exists as well. **Under the FERPA health or safety emergency exception, a school is responsible for making a determination, on a case-by-case basis, whether to disclose PII from education records, and it may take into account the totality of the circumstances pertaining to the threat.** If the school determines that there is an articulable and significant threat to the health or safety of the student or another individual and that certain parties need the PII from education records to protect the health or safety of the student or another individual, it may disclose that information to such parties without consent. Within a reasonable period of time after a disclosure is made under this exception, an educational agency or institution must record in the student's education records the articulable and significant threat that formed the basis for the disclosure and the parties to whom information was disclosed.

There may be a rare situation during a health or safety emergency, however, in which schools may determine (in conjunction with health, law enforcement, or other such officials) that parents and students are appropriate parties to whom to disclose identifiable information about another student with COVID-19. For example, school officials may determine that it is appropriate to disclose personal identifiable information about a student with COVID-19 to parents of other students if parents need to know this information to take appropriate action

*Continued on page 3*



## BoardBook Premier

BoardBook Premier is available to North Dakota school districts, political subdivisions, and businesses. BoardBook Premier is a paperless meeting and document storage program designed by school boards and is the new standard in board agenda preparation and decision making. Visit [www.ndsba.org](http://www.ndsba.org) for more information.

# 6th Annual Human Resource Conference for Local Governments

People are the heart of local government and the backbone that supports its mission and purpose. Human resource management is the primary care doctor that ensures a healthy government. It includes all the policies, processes, training, strategies, and activities that impact staff.

The 6th Human Resource Conference for Local Governments will be held on April 21-22, 2020, at the Ramkota Hotel in Bismarck. Registration is open at the HR Collaborative website at [http://www.](http://www.hrndgov.org/)



*hrndgov.org/*. Remember to register on this website to get regular HR updates. **Business Manager Certification Program (NDSBMCP)** students can receive up to 1.5 affiliate credits for attending the conference. Business managers will need to complete the NDSBMCP affiliate credit form found on the NDSBMCP website and submit it to Rebecca Duben to receive credit. Contact the NDSBA office at 1-800-932-8791 for more information.

## ■Census

*Continued from page 1*

than a high school diploma.

Data can assist school leaders in visualizing where the hard-to-count populations are and identify whether their districts have such populations. For school districts that have hard-to-count populations, educational programs focusing on the 2020 Census — such as parents' night or a lesson plan on Census — may help the community to get on board. Ultimately, to increase

the awareness of participation and empower both students and parents with knowledge about the 2020 Census is in the long-term interest of schools.

School leaders can and should help those children whose voices are not often heard and those populations who are often unseen, unknown, or unrepresented. Knowing who these populations are and where to find them, school leaders can focus on creating/developing awareness with those populations of the importance to participate in the Census and the negative impact that not participating may have.

## NDSBA Accepting Proposals

NDSBA is now accepting proposals for 2020 NDSBA Annual Convention clinic sessions. The proposal submission form is included in the *Bulletin* and can be found at [www.ndsba.org](http://www.ndsba.org) under QUICK CLICKS.

Help us make the 2020 Annual Convention our best event yet! Consider sharing unique or successful things happening in your district or suggesting a speaker or topic you would like to see.

**Submissions are due by May 15, 2020.**

## ■Legal Spotlight

*Continued from page 2*

to protect the health or safety of their children. For example, if a student with COVID-19 is a basketball player and has been in direct and close contact with other students who are on the same basketball team or who are in the same school and have higher health risks, school officials may determine it necessary to disclose the identity of the diagnosed student to the parents of these other students. In these limited situations, parents and students may need to be aware of this information in order to take appropriate precautions or other actions to ensure the health or safety of their child or themselves, especially if their child or they may have a higher risk of susceptibility to COVID-19 or of developing severe complications from COVID-19. School officials should make the determination on a case-by-case basis whether a disclosure of the student's name is absolutely necessary to protect the health or safety of students or other individuals or whether a general notice is sufficient, taking into account the totality of the circumstances, including the needs of such students or other individuals to have such information in order to take appropriate protective action(s) and the risks presented to the health or safety of such students or other individuals.

The U.S. Department of Education, through the Student Privacy Policy Office, has issued guidance in the form of FAQs regarding the application of FERPA in addressing the COVID-19 pandemic. Issues addressed in this article, as well as other related issues, are explained in the guidance. This guidance may be accessed at the following link: [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions\\_.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions_.pdf).

Additional information relating to the COVID-19 pandemic may be found on the ND Department of Health's website (<https://www.health.nd.gov/>) and the Center for Disease Control's website (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>).

For additional K-12 education-related information, please contact NDSBA or the ND Department of Public Instruction.

## Business Manager Certification Program Accepting Applications

The North Dakota School Business Manager Certification Program is now accepting applications for new students to begin courses this summer. The application form can be accessed online at <http://ndsbmcp.org/index.php/handbooks-and-forms/>. Applications will be accepted until **June 1, 2020**. Prospective students can download a program brochure at <http://ndsbmcp.org/index.php/handbooks-and-forms/> or contact [rebecca.duben@ndsba.org](mailto:rebecca.duben@ndsba.org) for more information.

## NSBA Cancels Annual Conference

On March 11, the National School Boards Association made the decision to terminate the 2020 Annual Conference due to COVID-19. North Dakota school board members, administrators, and business managers who had registered to attend should automatically receive a full refund of their registration fees. Hotels booked through the NSBA Housing Bureau will also be automatically cancelled and refunded. If your district has not received email information from NSBA, you may contact NDSBA for assistance.



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## superintendent vacancies

### New Town School District

Assistant superintendent w/ intent to promote  
Contact: Alexis Baxley  
Phone: 1-800-932-8791  
Email: [alexis.baxley@ndsb.org](mailto:alexis.baxley@ndsb.org)  
Application: [www.ndsb.org](http://www.ndsb.org)  
Deadline: March 30, 2020  
Position Begins: July 1, 2020

### Mandaree School District

Contact: Alexis Baxley  
Phone: 1-800-932-8791  
Email: [alexis.baxley@ndsb.org](mailto:alexis.baxley@ndsb.org)  
Application: [www.ndsb.org](http://www.ndsb.org)  
Deadline: April 1, 2020  
Position Begins: July 1, 2020

### Manvel School District

Contact: Matt Bakke  
Phone: 701-696-2212  
Email: [matt.bakke@manvelk8.com](mailto:matt.bakke@manvelk8.com)  
Application: <http://bit.ly/manvelapplication> or contact above  
Deadline: March 27, 2020 at 4 p.m.  
Position Begins: July 1, 2020

### Griggs County Central School District

Contact: Tamara Cushman  
Phone: 701-797-3114  
Email: [tamara.cushman@k12.nd.us](mailto:tamara.cushman@k12.nd.us)  
Application: [www.griggscountycentral.org](http://www.griggscountycentral.org)  
Deadline: March 31, 2020  
Positions Begins July 1, 2020

### Leeds School District (part-time)

Contact: Maria Dunlap  
Phone: 701-466-2461  
Email: [maria.m.dunlap@k12.nd.us](mailto:maria.m.dunlap@k12.nd.us)  
Application: Email resume to above, or mail to PO Box 189, Leeds ND 58346  
Deadline: Open until filled  
Position Begins: July 1, 2020



mark your calendar

### 2020 NDSBA Annual Convention

October 29-30, 2020  
Ramkota Hotel, Bismarck

### 2021 NDSBA Negotiations Seminar

February 4-5, 2021  
National Energy Center of Excellence, Bismarck

### 2021 NDSBA Annual Convention

October 28-29, 2021  
Ramkota Hotel, Bismarck



## Follow NDSBA on Twitter!

Follow us at [@ndsschoolboards](https://twitter.com/ndsschoolboards) for event, policy, and other education-related updates.



### Book Rooms for 2021 NDSBA Convention

NDSBA's 2021 Annual Convention will begin on Thursday, October 28, with the School Law Seminar and New Member Seminar. Regular convention activities will begin that afternoon and conclude on Friday afternoon, October 29.

The Ramkota is now taking sleeping room reservations for the 2021 Annual Convention. Call the Ramkota at 701-258-7700 for room reservations. Secure your room early.