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AUGUST 2018

Excellence in North Dakota public education through local school board governance ■ VOL XLIII ISSUE 8

NDSBA Announces Annual Convention Keynote Speakers

Thursday Afternoon Keynote

Thursday's opening session begins with

Mark J. Lindquist.

As seen on ABC's LOST, CBS' Hawaii Five-O and the Universal Studios movie "Battleship," Mark Lindquist is a nationally recognized motivational speaker, highly sought-after success coach, lead singer of the Mark J Lindquist Big Band, world-touring entertainer, and author.



Mark Lindquist

Mark is a high-energy entertainer who will motivate and inspire attendees to reignite or maintain their passion for service. Currently, Mark travels the country delivering keynote addresses and performing the National Anthem for collegiate and professional sports teams. He is the full-time National Anthem singer for the National Champion University of North Dakota Men's Hockey program as well as a guest performer for the College World Series, Milwaukee Bucks, Minnesota Twins, Minnesota Lynx, Los Angeles Dodgers, Minnesota Vikings, Chicago

Bears, Cleveland Browns, Miami Dolphins, Cleveland Indians, Duke University Men's Basketball, NCAA Wrestling Championships, and in venues such as Madison Square Garden.

Mark founded Mark J Lindquist Motivational Speaking in order to bring smiles to the faces of people and ignite passion all over the world. He is a former AmeriCorps member, as well as a former sergeant in the United States Air Force and an Afghanistan War veteran who currently lives in Fargo, North

Dakota.

Friday Morning Keynote

Michael Dorn is among the most experienced, widely published, and highly respected school safety experts in the world. He currently serves as executive director of Safe Havens International, a global non-profit school safety center whose analysts have worked in more than two dozen countries. During his 25-year public safety career, Michael served as a campus police officer, corporal, sergeant, lieutenant, and school district police chief. He was then appointed

as the School Safety Specialist for the State of Georgia and later as the Lead Program Manager of the Terrorism Division of the Georgia Office of Homeland Security. Michael has also provided post-incident assistance to law firms, school systems, state agencies, and insurance carriers for ten active shooter and mass casualty

school shooting incidents in K-12 schools in the United States.

Michael has authored and co-authored 27 books on school safety and emergency preparedness and has been a full-time campus safety practitioner for most of the past 35 years.

A graduate of the 181st session of the prestigious three-month FBI National Academy, Dartmouth

College's Advanced Russian Immersion Language Program, Michael has completed his bachelor's degree with a double major in history and political science and master's program from the Business School at Mercer University. Michael also has a certificate in Management Development from the American Management Association –

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Michael Dorn



Convention Reminders

Deadlines

Resolutions must be received in the NDSBA office by 4:00 p.m. on **Monday, August 20**. If you are interested in serving as a convention committee member, please contact NDSBA by **Friday, August 24**.

Convention Rooms

If you have sleeping rooms reserved at the Ramkota Hotel for the 2018 NDSBA Annual Convention, you must give them a specific name for each reserved room **by October 3** or the rooms will be released. Contact Ramkota Hotel reservations at (701)258-7700.

Convention Delegate Designation

Convention delegates and alternates must be clearly noted on the district's registration form, which must be received in the NDSBA office **by October 12** in order to vote at Delegate Assembly. Only those registered as alternates **BY THIS DEADLINE** will be allowed to substitute for a registered delegate.



Legal Spotlight

Clarification of School District Property Tax Levies and Budget Deadlines

by Amy De Kok, NDSBA Legal Counsel

It's that time of year again--finalizing your district's budget and property tax levies. This process is one of the most important responsibilities your district's board is charged with. Thus, it is imperative that your district meet all of the requirements and deadlines in this regard. Recently, I have received inquiries from school districts regarding the budget and levy process as some have received conflicting information from their county auditors as a result of newly enacted legislation. By the time this article is received, the budgeting and levying process in your district will (or should) be well underway. Notwithstanding, I believe an overview is still valuable.

Practically, the budget process is a continuous and ongoing process throughout the fiscal year in most districts. Having said that, North Dakota Century Code contains several important deadlines and procedures that districts must adhere to in order to generate necessary revenues and funding to maintain operation.

Recent legislative changes impact this process. During the most recent legislative session, the North Dakota Legislature enacted section 57-15-02.2. Specifically, SB 2288 called for creation and enactment of a new section to chapter 57-15 of the Century Code relating to property tax levies and budget hearing information and for the repeal of section 57-15-02.1 addressing the same subject. The requirements of the newly enacted section 57-15-02.2 are effective for tax years beginning after December 31, 2017. Most pertinent, section 57-15-02.2 requires that **on or before August 10** of each year, the board of a school district provide to the county auditor in each county in which the district has taxable property a preliminary budget statement. In addition, the board of a school district is required to hold a public budget hearing permitting the public to weigh in on the district's budgeting process and property tax levy for that year. This public hearing may not occur earlier than **September 7** of that year. Along with its preliminary budget statement, the board must provide to the county auditor the date, time, and location of the public hearing on its property tax levy. If the board of a school district fails to provide the information required by section 57-15-02.2(1) on or before August 10, the board may not impose a property tax levy in a greater amount than was imposed by the district in the prior year. Thus, strict compliance is very important.

Section 57-15-02.2 goes on to address certain obligations on the part of the county treasurer regarding the provision of notice to property owners regarding the public hearing and property tax levies. **On or before August 31**, the county treasurer is required to provide written notice to the owner of each parcel of taxable property within the district with a total estimated property tax of at least \$100. The statute contains a list of requirements that the text of the notice must contain, including the date, time, and location of the public budget hearing for each of the taxing districts (including school districts) in which the property owner's parcel is located. The direct cost of

providing taxpayer notices pursuant to section 57-15-02.2 may be allocated amongst the taxing districts in a manner proportionate to the number of notices mailed of behalf of each taxing district.

Pursuant to section 57-15-13, the board of a school district must levy all school district taxes **on or before August 10** of each year. To this end, the board must file a certification of levy, along with its preliminary budget statement, with the county auditor on or before August 10. Taxes for school district purposes must be based upon an itemized budget statement that must show the complete expenditure program of the district for the current fiscal year and the sources of the revenue from which it is to be financed. Typically, this preliminary budget statement and certification of levy will, in part, be based on a preliminary taxable valuation of the district's property that is received in July. The taxable valuation may (and likely does) change following this August deadline. The board of a school district may amend its tax levy and budget for the current fiscal year **on or before October 10** of each year (to account for, among other things, receipt of the actual taxable valuation of the district) as long as the certification of tax levy is filed with the county auditor within the time limitations under section 57-15-31.1. Section 57-15-31.1 reiterates that no taxing district (including school districts) may certify any taxes or amend its current budget and no county auditor may accept a certification of taxes or amended budget **after October 10** of each year IF such certification or amendment results in a change in the amount of tax levied. It is important to note that section 57-15-31.1 permits the board of a district to amend its current budget, except for property taxes, during the year for any revenues and appropriations not anticipated at the time the budget was prepared.

Recently, some county auditors may have inaccurately informed school districts that they are unable to increase their budgets and the amount of taxes levied following the issuance and filing of the preliminary certification of tax levy and preliminary budget statement in August. This may have been based on a misunderstanding that NDCC 40-40-08 applies to school districts. Section 40-40-08 addresses the requirement of the governing body of a municipality to hold a hearing to receive any objections or protests to its preliminary budget

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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.

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Legal Spotlight

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statement due on or before August 10. That section also includes a statement that the final appropriation of any fund total may not exceed the total amount requested by the governing body of the municipality in its preliminary budget. To be clear, **section 40-40-08 does NOT**

apply to school districts. Indeed, section 40-40-02 defines “municipality” as any city or park district in this state. There is no similar restriction that applies to school districts. School districts may amend their budgets and tax levy up or down based on more accurate assessment data received after August 10 as long as the amended budget statements and certification of

tax levy are filed with the county auditor **on or before October 10.** The ND Tax Commissioner’s office was alerted to this issue, and as a result, the Tax Commissioner sent out a communication to all county auditors clarifying that school districts may still amend their budgets and tax levy up or down **on or before October 10** of each year and that chapter 40-40 of the Code does not apply to school districts.

Compliance with the above deadlines is extremely important as noncompliance can have significant consequences. Please feel free to contact NDSBA or ND DPI for guidance on school finance issues.

State Supt. Baesler Invites North Dakotans to School Safety Listening Forums



State School Superintendent Kirsten Baesler announced on August 7 that a group of North Dakota organizations will host

six School Safety Community Listening Forums across the state in August.

The forums are being organized by the Department of Public Instruction, North Dakota School Boards Association, North Dakota Council of Educational Leaders, North Dakota United, North Dakota Small Organized Schools, North Dakota Association of Counties, Highway Patrol, state departments of human services and emergency services, and the governor’s office.

Baesler said the listening sessions will give North Dakotans an opportunity to voice their opinions about school safety and offer suggestions about any improvements that may be needed.

The first forum will be held Tuesday, August 14, at Horizon Middle School auditorium in Bismarck, Baesler said. Five subsequent forums will be held in Dickinson, Williston, Fargo, Valley City, and Rugby. **All of the forums will**

begin at 5:30 p.m., local time, and end at 7 p.m.

Below is the schedule for the six listening forums:

Tuesday, Aug. 14: BISMARCK, Horizon Middle School auditorium, 500 Ash Coulee Drive

Wednesday, Aug. 22: DICKINSON, Dickinson High School, Risser Auditorium, 979 13th Ave. West

Thursday, Aug. 23: WILLISTON, Williston High School auditorium, 4200 32nd St. West

Monday, Aug. 27: FARGO, South High School theater, 1840 15th Ave. South. Please enter on the 17th Avenue side, which is closer to the theater.

Tuesday, Aug. 28: VALLEY CITY, Valley City High School auditorium, use door No. 6, 460 Central Ave. North

Thursday, Aug. 30: RUGBY, Rugby High School auditorium, 1123 S. Main Ave.

Note from NDSBA: We strongly encourage school board members to attend these forums--both to listen and provide feedback!

Welcome New Board Members!

Congratulations to all newly elected school board members and welcome to your first issue of NDSBA’s *Bulletin!*



As new school board members you will be exposed to many issues and concerns that may or may not be district related, but the board must remain focused on the common goal of promoting student achievement. If you as a board prioritize issues based on the impact they will have on achievement in your district, you will find they can be addressed with greater objectivity and fewer problems.

Again, congratulations and welcome aboard!



NDSBA and ND DPI hosted a new board member workshop in Bismarck on July 27. In this photo, Don Williams, ND DPI, addresses the 47 school board members in attendance.

NDSBA Service Award Program



NDSBA recognizes board members for their professional development, service, and participation.

Awards are made in two categories based on a point system: Veteran Board Members (100 points) and Master Board Members (200 points). Members who have participated in National School Boards Association events receive their award “with distinction.” Awards are presented at NDSBA’s Annual Convention.

Business managers should maintain scoring forms for board members and update them each year. Business managers should send a copy to

NDSBA when 100 and 200 points have been earned. Forms are available at www.ndsba.org under the “services” link. Also available on the webpage is a spreadsheet that may be useful to record board members’ yearly activities. Some service activity or participation areas may not be listed on the form. If you have a board member who participates in something that is not listed or you have other questions about point categories, please call the NDSBA office.

A copy of the qualifying board member’s form must be received in the NDSBA office **by Friday, September 14.**

Policy Solutions



The need for legally compliant and executable school policies is ever increasing. Each year, litigation and legislation impose pressure on school boards to update and develop policies on a broad range of topics. Keeping pace with

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RETURN SERVICE REQUESTED

■ Policy Solutions

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these changes can be overwhelming and failure to stay current may have unintended legal consequences. NDSBA's Policy Services has taken the guesswork out of determining the essential components of a school policy manual through the creation of our Required and Total Template Manuals and other fee-based services offerings:

- Policy Services Annual Membership (Membership is required to participate in all other services.)
- Policy Review Service
- Policy Manual Web Hosting
- Employee or Student Handbooks
- Webinars

Whether looking for a way to keep your policy manual up to date or more manageable, Policy Services offers a wide variety of solutions to help your district achieve its goals. To learn more about any of our policy services, contact the NDSBA office at 800-932-8791 or log on to <http://policy.ndsba.org/> and select Services at the top of the page.

■ Keynote Speakers

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Harvard School of Business delivered through Mercer University.

Michael has worked with a wide array of public, charter, faith-based, military, international, and independent schools. Michael has provided oversight for more than 6,000 K-12 school security assessments in more than 40 states, Vietnam, Canada, Mexico, Bolivia, South Africa, Kenya, Nigeria, and India. Michael has also worked on more than 50 Readiness and Emergency Management for Schools (REMS) and Safe Schools/Healthy Students grant projects funded through the United States Department of Education. He has worked on more than a hundred major school safety initiatives through state and federal departments of education, homeland security, law enforcement, public health, and emergency management.



2018 NDSBA Annual Convention

October 25-26, 2018

Ramkota Hotel, Bismarck

2018 NDSBA New Member Seminar

October 25, 2018

Ramkota Hotel, Bismarck

2018 NDSBA School Law Seminar

October 25, 2018

Ramkota Hotel Bismarck

2019 NSBA Annual Conference

March 30-April 1, 2019

Philadelphia, Pennsylvania

2019 NDSBA Annual Convention

October 24-25, 2019

Ramkota Hotel, Bismarck