



# bulletin



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

JULY 2019

*Excellence in North Dakota public education through local school board governance* ■ VOL XLIII ISSUE 7

## The Power of “Just One”

by ElizaBeth “Beth” Branham, National School Boards Association’s 2019-20 President via [www.nsba.org](http://www.nsba.org)



My family’s ties to public schooling in my community go way back. My great great aunt Hattie Derrenbacher started my current school

district in her kitchen on a long bench that sits in a museum near my home. She recognized the need to have an educated populace.

She was just one lady who started with educating just one child, which quickly grew to 12 children, and then to a schoolhouse full of children. And it all started with just one lady who believed that just one child should have a chance at a better future and that this education should be free.

Each of us is “just one.” We are just one of our country’s 90,000 school

board members and just one of the hundreds of thousands of school leaders and educators. While those numbers seem large and our collective power and voice is strong, we need to remember the power we each possess.

In our work together and individually, we impact students’ futures and their chance to receive a quality public education that will help them achieve their hopes and dreams.

As in my hometown and in so many of your towns across America, public education began because people believed in its power and what it can do for just one child. Our beliefs haven’t changed. They’ve just grown—as children’s dreams can and should grow.

The very fabric of our country and the success of our nation comes down to the education of our children. We know that with a good public education, each child can have a successful life, including the student living in or close to poverty, the student with special needs, the student who is being bullied, and the students who aren’t getting the

support and opportunities they need and deserve.

At the end of the day, every child deserves the best public education possible and to graduate from high school equipped to be successful in college or technical training or the military or the workplace. Each child deserves his or her hopes and dreams to be fulfilled.

In our job as school board members, we need to set policies that promote the protection and support of all of our children. And we need to have our administrations develop programs that teach the skills students need for the future.

As school board members, we must remember our classrooms are full of just one child—all of whom are dreaming of the brighter future that your district can provide. They need you, just one of you, to work collectively with your board and others in your hometown district to make that difference so that they can be successful.

## Perkins V Updates – Board Member Feedback Needed

by Wayde Sick, North Dakota CTE Director

On July 31, 2018, President Trump signed the Strengthening Career and Technical Education for the 21st Century Act into law. Since then, it has been referred to as Perkins V. Perkins V asks states to carve their own path on what priorities should be considered and how to use the resources provided to achieve those priorities. Although much of the language remains the same between Perkins IV and Perkins V, there are several differences.

First, there are changes to funding authority. The state will now have the authority to increase the allowable set-aside to serve individuals in state institutions and the state’s “reserve fund” has been increased from 10 percent to 15 percent. The reserve fund is an option available to states to distribute funds to eligible recipients through alternative methods such as competitive grants.

The second major change is the

secondary performance indicators. The definition of a secondary CTE “concentrator” is a student who completes at least two courses in a single program or program of study. The state determines what a “course” is. Concentrators will now be measured on the science state assessment in addition to math and English Language Arts. The final change to quality indicators is the measurement of CTE Program Quality. The state will have the opportunity to

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## Welcome!

NDSBA would like to welcome all of the newly-elected school board members who were seated this month. Your board service will be challenging but rewarding. NDSBA is here to serve you as you serve the children of your district, and we look forward to meeting you at the New Member Seminar in October.



# Legal Spotlight

## Annexation: A Path Around Boundary Changes or Lack of Open Enrollment

by Amy De Kok, NDSBA Legal Counsel

Annexation is a process of permanently redefining the boundaries of school districts in a way that makes sense to account for growth, attraction, and education in certain districts. Generally, the provisions and intent of statutes giving a power to alter school district boundaries are such that, although the statutory requirements are met, the designated administrative officers are not required to approve the request but have a discretion to determine whether it is for the best interests of the district or districts concerned and to act or refuse to act accordingly. As a result, traditionally, annexation was not a tool meant to create a permanent fix for a temporary problem nor be a substitute for open enrollment under NDCC chapter 15.1-31.

The eligibility requirements and procedure for school district annexation are set forth in chapter 15.1-12 of the North Dakota Century Code. In order for property to be eligible for annexation to a school district, the following requirements must be met:

- The property to be annexed constitutes a single area that is

contiguous to the school district;

- The property to be annexed does not constitute an entire school district;

- The annexation petition is signed by two-thirds of the qualified electors residing on the property to be annexed;

- The annexation petition is filed with the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district;

- A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and

- The annexation petition is approved by the State Board of Public Education.

The requisite two-thirds of the qualified electors residing on the property sought to be annexed must sign the petition in the form described in section 15.1-12-04 and submit the petition to the county superintendent in order to request an annexation. After proper notice by the county superintendent, the county committee is required to hold a public hearing to consider the annexation petition.

If the petition meets the requirements, the county committee is required to hold a public hearing and accept testimony and documentary evidence regarding various enumerated factors, such as the value and amount of property held by each affected school district, the amount of outstanding indebtedness, taxable valuation of each affected district, boundaries of each affected district, and the educational needs of each affected district. Typically, the property owner petitioners provide testimony regarding their request for annexation and representatives of the affected districts and any other interested parties may also provide testimony and information in support or in opposition to the request. At the conclusion of the hearing, the county committee is required to make specific findings of fact and approve or deny the annexation request. The minutes, records, documentary evidence, and

other information will be forwarded by the county committee to the State Board of Public Education for final approval. The State Board is then required to hold a hearing in a similar manner as the county committee, make specific findings, and approve or deny the annexation. The decision of the State Board may be appealed to state district court and then to the North Dakota Supreme Court.

Property owners (typically parents with students attending school in a given district) have in recent years increasingly utilized the annexation process set forth in North Dakota statutes to permanently move their property into a preferred neighboring school district either because they are unhappy with recent boundary determinations made by their resident district or because the option to open enroll in a preferred neighboring district is not available. For a receiving district who has closed open enrollment, annexation may be a more acceptable alternative because it will receive the taxable valuation of the annexed property (and the state aid payment), along with the obligation to educate any students who may reside on the property. Regardless of the individual circumstances and while districts are not required to take a position, it is important to be generally aware of the annexation process and procedure when presented with an annexation request affecting your district. To be clear, even if all of the statutory requirements are met, neither the county committee nor the State Board is obligated to approve the annexation request. Rather, the purpose of considering all of the factors is to make a judgment as to whether annexation in a given situation is appropriate, and North Dakota law allows for these entities to exercise discretion in accepting or rejecting the request.

Please feel free to contact NDSBA for further information regarding the process of annexation.

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### Convention Reminders



Resolutions must be received in the NDSBA office no later than 4:00 p.m. on **Monday, August 19**. NDSBA's current resolutions and the format to submit proposed resolutions can be found at <http://ndsba.org/wp/wp-content/uploads/2018/11/standing-resolutions.2018.pdf>.

If you are interested in serving as a convention committee member, please contact NDSBA by **Friday, August 23**.

## ■ Perkins V Updates

*Continued from page 1*

select one of the following three to measure program quality:

- Student attainment of recognized postsecondary credentials;
- Student attainment of postsecondary credits in their CTE program/program of study; or
- Percentage of students participating in work-based learning.

The final major change is the largest addition to the law. This change is the drafting of a comprehensive needs assessment. The state has some flexibility on what should be included on the local needs assessment.

The Department of Career and Technical Education has been reviewing the new law and has assembled a state team to lead the development of the state plan. This process has started and will continue through the fall of 2019. The department is reaching out to stakeholders to develop a plan on how to best use the resources we have.

**Please provide feedback on career and technical education in North Dakota by completing a survey available at <https://www.surveymonkey.com/r/QGG9WZR>.**

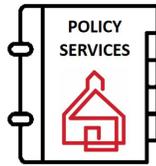
The full text of the Strengthening Career and Technical Education for the 21st Century Act is available at [https://cte.careertech.org/sites/default/files/PerkinsV\\_September2018.pdf](https://cte.careertech.org/sites/default/files/PerkinsV_September2018.pdf).

## Notice: NDSBA Northwest Director Opening

NDSBA is seeking candidates to fill the Northwest Director position on our board. We have mailed application forms to all school board members in the northwest region (Bottineau, Burke, Divide, McHenry, McLean, Mountrail, Pierce, Renville, Rolette, Sheridan, Ward, Wells and Williams counties) for the election held at our Annual Convention on October 24-25.

NDSBA also wishes to thank current NW Director Kim Bernstein for her service. Kim was not reelected this summer and will be stepping down from the NDSBA Board of Directors following the Annual Convention.

## Policy Services Membership



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 these changes can be overwhelming. Failure to stay current may have unintended legal consequences.

A subscription to Policy Services is one way to ease these district challenges. A Basic Policy Services Membership provides districts with access to *Policy Ponderings*, an online newsletter featuring the latest policy updates, educational videos, and other policy resources. Members also receive up to ten sample policies and two policy template reviews upon request each year, along with policy consultation services from our knowledgeable staff. This annual membership costs \$250 and runs from July 1, 2019, to June 30, 2020.

Membership is required to participate in all other fee-based services offered by Policy Services.

NDSBA's Policy Services also offers Template Manuals and other fee-based services to help take the guess work out of determining the essential components of a school policy manual and assist district's further in the policy process. Those services include:

- Required or Total Template Policy Manuals
- Policy Review Service
- Policy Manual Web Hosting
- Employee or Student Handbooks

Whether looking for a way to stay informed on the latest policy issues or 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.

## Register Now: Governor's Summit on Innovative Education



Registration is now open for the third annual Governor's Summit on Innovative Education on August 14-15 at Jamestown High School in Jamestown.

The summit brings together local and national leaders in education to share best practices and engage with educators, administrators, parents, and students. It is open to the public.

This year's summit is being held in partnership with the North Dakota Department of Public Instruction, North Dakota Council of Educational Leaders, ND United, North Dakota School Boards Association, and the state Department of Human Services' Behavioral Health Division. The event is sponsored by the Bush Foundation.

Day 1 of the summit will focus on innovative instructional best practices to personalize learning, as well as other community-derived solutions to best prepare young people for the 21st century economy and global citizenship. Educators from across the state will be presenting TEDx-like talks sharing

initiatives in their districts targeted at better supporting student learning. Local presenters will be announced throughout July in anticipation of the summit.

Day 2 will focus on behavioral health in an educational setting. School personnel play a key role in identifying the early warning signs of an emerging mental health condition and in linking students with effective services and supports.

"Schools provide a unique opportunity to identify behavioral health conditions and support students where they already are," said Pam Sagness, director of the Behavioral Health Division. "There are many opportunities for the behavioral health system and the education system to collaborate in a meaningful way."

**Register online only at <https://www.eventbrite.com/e/2019-governors-summit-on-innovative-education-registration-62280965043>. Board members who attend this event qualify for points toward their NDSBA Board Member Service Awards. Please contact NDSBA at 1-800-932-8791 with any questions.**



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## Board Members Attend Workshop

More than 65 school board members from across North Dakota attended the 2nd Annual School Board Member Workshop hosted by the North Dakota Department of Public Instruction and NDSBA on July 22 at the State Capitol. Attendees learned about goal setting, graduating students Choice Ready, student and family engagement, the K12 funding formula, three- and five-year plans, and the ND K12 Strategic Vision. Thank you to all who attended!



### **Governor's Summit on Innovative Education**

*Hosted by Governor Burgum and Partners*

August 14-15, 2019  
Jamestown High School, Jamestown

### **ND Rural School Summit**

*Hosted by NDDPI and NDSOS*  
September 25, 2019  
State Capitol, Bismarck

### **2019 NDSBA Annual Convention**

October 24-25, 2019  
Ramkota Hotel, Bismarck

### **2020 NDSBA Negotiations Seminar**

February 6-7, 2020  
BSC National Energy Center of Excellence, Bismarck

### **2020 NDSBA Annual Convention**

October 29-30, 2020  
Ramkota Hotel, Bismarck