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NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

AUGUST 2019

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

NDSBA Announces Annual Convention Keynote Speakers

Thursday Afternoon Keynote Speaker



The 2019 NDSBA Annual Convention will kick off on Thursday afternoon with **Matt Havens**. For the past decade, Matt has been at the forefront of leadership and

generational issues. He has worked in various leadership roles at a Fortune 50 company in areas as diverse as marketing, employee retention, and management. As a result of this expertise, Matt is able to address some of the most pressing issues today's leaders face.

In his presentation *Stop Acting Your Age!*, Havens will teach attendees to replace the complicated four-generation model with a workable dichotomy between older, more experienced

workers and their younger, less-experienced counterparts and help you understand the key cultural, technological, and social changes that have conspired to create a disconnect between team members from these generations.

Friday Morning Keynote Speaker Salome



Thomas-EL is an award-winning teacher and principal and internationally recognized speaker and educator. Principal EL believes that resilient leaders make

courageous decisions, take risks, and challenge the status quo. They are able to bounce back from adversity to become innovative and transformational to ensure all teachers and students

achieve their dreams—no matter the odds. Transformational leaders shift mindsets and inspire others to effect change. In his thought-provoking presentations, Principal EL shares how we can change school cultures and foster a positive school climate so teachers and leaders can focus on the protective processes that build resilience in all of our students.

Principal EL is currently a K-8 school leader in Wilmington, Delaware. He has addressed over 100,000 teachers, administrators, school staff, board members, parents, students, and community members in the United States, Canada, Nigeria, Trinidad, England, Jamaica, and the Virgin Islands. Principal EL is the author of two best-selling books and frequently appears on the Dr. Oz show, C-SPAN, CNN, and NPR radio. He was honored as an "Inspiring American Icon" in *Reader's Digest* magazine and appeared on the Oprah Radio Network.

Annual Convention Registration—Online Only!



Registration for the 2019 NDSBA Annual Convention will **open ONLINE ONLY on September 1, 2019**.

While we will be using the same system that your district used to register for the 2019 Negotiations Seminar, this is a change

for annual convention registration from previous years. Here are some tips to ensure registration success:

- On September 1, business managers and superintendents will receive an email notifying them that registration has opened. This email will include registration directions and

instructions on how to calculate the number of delegates your district is allowed.

- ONE person from each district - likely the business manager - should complete registration for all district attendees in order to avoid duplicate registrations. Board members should NOT register

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Convention Reminders

Committees

NDSBA is still looking for board members to serve as convention committee members. Please contact NDSBA as soon as possible if you would be willing to serve on the Nominating, Credentials, or Ballot Counting Committee.

Convention Rooms

If you have sleeping rooms reserved at the Ramkota Hotel for the 2019 NDSBA Annual Convention, you must give them a specific name for each reserved room **by October 2** 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 when registering. Registration must be completed **by October 11** 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

Interim Teacher Contracts – Are They Allowed?

by Amy De Kok, NDSBA Legal Counsel

For the past several years, North Dakota, like many other states, has been experiencing a teacher shortage—often in core subjects. This has created significant hiring challenges for districts. As a result, our member districts have had to seek alternative paths and be creative to fill necessary positions. One of the most frequent questions I receive from members is whether they can enter into a one-year, interim contract with a teacher to temporarily fill a position. In most cases, the district is considering filling the position with a retired teacher who is willing to return to the classroom on a temporary basis but who also wants to be paid in accordance with the salary schedule rather than at the sub rate. Both sides are typically willing to limit the contractual relationship to a one-year period (or until a more permanent solution presents itself) but to do so requires consideration of the application of protections afforded to teachers under NDCC chapter 15.1-15, namely, rights to continued employment, notice, and hearing.

So, can this be accomplished without running afoul of Chapter 15.1-15?

NDSBA takes the position that generally, yes, this is possible. There is nothing in Chapter 15.1-15 that prohibits an individual or district from waiving the rights and protections provided therein. Typically, if the Legislature intends to restrict the ability of a party to waive statutory protections, it will include an anti-waiver or anti-forfeiture provision. The Legislature chose not to include such a provision in Chapter 15.1-15. Thus, as long as the individual teacher makes a knowing and voluntary waiver of their continuing contract rights and other protections, the parties should be able to enter into a one-year teaching contract.

A few words of caution before diving in: A district should review its negotiated agreement and board policies to ensure that neither of these limits nor restricts the ability of the district and an individual teacher from entering into this type of arrangement. It is certainly possible that a particular negotiated agreement or board policy contains language that

could impact such an arrangement. In addition, this type of arrangement should only be used in situations where a district needs to fill a position temporarily because it is unable to find a long-term solution despite good faith efforts to do so. It should not be used as a regular hiring practice. Finally, it is highly recommended that any district considering this option work with outside counsel to craft appropriate contractual language. This issue has not been litigated in North Dakota and it is possible, although probably unlikely, that a court would disagree. Your outside counsel will be able to discuss the various benefits and risks associated with such an arrangement.

Interim teaching contracts can be a legitimate and valuable option to meet hiring needs, and districts should not be afraid to consider this tool when necessary. Please feel free to contact NDSBA or outside counsel for further information.

Business Managers Begin Training



Twenty-six business managers from across the state attended the first session of classes under the North Dakota School Business

Manager Certification Program. It was hosted by the North Dakota School Boards Association on July 22 and

23 in Bismarck. Attendees learned about business manager roles and responsibilities, school finance and operations, and state and federal reporting systems. Students ranged from being on the job less than a week to being at the district for more than thirteen years.



ND School Business Manager Certification Program students: front row left to right, Barb Magnuson, South Prairie; Melissa Eagle, Solen; Donna Van Beek, Strasburg/Bakker; Kendra Trupe, North Border; Dana Ekren, Kensal; Amanda Bina, Midway; Abiodun (Bee) Obidinma, Mandaree. Middle row left to right, April Grandalen, Finley-Sharon; Alli Roller, Hope; Marcia King, Linton; Lori Werle, TGU; Theresa Hickman, North Valley CTE; Louisa Harness, Harvey. Back row left to right, Mary Ann Melin, Kenmare; Ryan Lagasse, Mandan; Paige Carlson, Northern Cass; Mary Vandal, St. John; Brant Hebert, McKenzie County; Danica Sinner, Wahpeton; Tracie Volk, Minnewaukan; April Haring, Oakes; Jennifer Hansen, Glenburn; Shauna Schneider, Langdon; Krista Richau, Beulah; Joni Filibeck, Beulah. Not pictured: Lisa Elijah, Sweet Briar.

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■ Convention Registration

Continued from page 1

themselves without talking to their business manager first.

- Registrations must be completed by **OCTOBER 11** in order for delegates to be able to vote at the Delegate Assembly. This is also the deadline for naming alternates.

- Early bird registration fees will be available until October 11. The fees will increase on October 12.

- Registration for the New Member Seminar and School Law Seminar will be included in online registration options.

- Your district will have the option to pay by check or credit card – one transaction per district, please.

- Upon successfully completing registration, an email confirmation will be sent. You will need to confirm that your information in that email is correct since that is how your nametag will be printed. If you find errors or do not receive a confirmation email, please contact Julie at 800-932-8791.

Call NDSBA if you have any questions. A staff member will be able to walk you through the process if you need assistance.

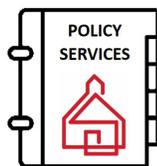
NDSBA Now Accepting Barb Norby Scholarship Nominations

Each year NDSBA awards the Barb Norby Scholarship to one North Dakota school board member who has demonstrated exceptional board service and commitment to their district. Scholarship recipients receive registration and an expense allowance to attend the following year's National School Boards Association Annual Conference. This event is an outstanding professional development and networking opportunity for new and veteran board members alike.

If you would like to nominate a board member for this award, please email a short paragraph describing why your nominee is deserving to Alexis at alexis.baxley@ndsba.org by Monday, September 16.

The Barb Norby Scholarship Award was created by the NDSBA Board of Directors in tribute to Barb Norby's valuable service to the association.

Student Educational Records



The Family Education Rights and Privacy Act (FERPA) defines an education record as any record that directly relates to a student and is maintained by the district or by a party

acting for the district. A record means any information about a student that is maintained in school and recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. These definitions generally exclude personal notes made by a teacher and other school official as an individual observation or recollection of a student that are not shared with others. Law enforcement records created and maintained by a school or district's law enforcement unit and records in the sole possession of the maker used only as a memory aid are also excluded.

Examples of documents that may be kept in a student's education record include:

- Student's name, address, phone number, record of grades, years enrolled, courses taken, and grades completed. This information is part of a student's permanent record and is typically retained in PowerSchool indefinitely;
- Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
- Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student;
- Test scores, academic specializations and activities, and official letters regarding a student's status in school;
- Special education records;
- Disciplinary records;
- Medical and health records that the school creates or collects and maintains;
- Documentation of schools attended, including courses taken, awards conferred, and degrees earned.

Schools are not generally required by federal law to keep student education records for any set period of time and North Dakota Century Code is not specific on the retention of these records. However, FERPA does state that educational records may not be destroyed if there is an

outstanding request to inspect the records by the parent or eligible student. It is recommended that school districts establish their own policy and procedures on the retention of these records. A standard is five to seven years after the student exits the educational program. NDSBA does have a recommended policy ABCD, Records Retention, and a sample records retention schedule (ABCD-E1) available to its members upon request.

The Individuals with Disabilities Education Act (IDEA) regulations on student records go beyond the requirements of FERPA in some respects. IDEA Part B regulations require that a school must inform parents when personally identifiable information that is collected, maintained, or used by the district is no longer needed to provide educational services to the child. Additionally, personally identifiable information must be destroyed at the request of the parents once it is no longer needed. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Per NDSBA policy FGA, Student Education Records and Privacy, NDSBA recommends that student education records be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with Bullying Policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

If your district has questions or would like to request any of the templates mentioned in this article, please contact NDSBA at 800-932-8791.



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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 points 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 20.**

Accountability Reports to be Released

Under ESSA, state education departments are required to annually create an accountability report for every public school in the state. The school accountability reports outline how schools are performing on the accountability elements North Dakota selected within its ESSA plan.

NDDPI is currently preparing the school accountability reports. Listed here is a tentative timeline as to how we anticipate the release of information to occur.

Board members should ask their administrators to explain their district's report.

Date	Milestone
July-Aug., 2019	School Accountability Reports Created
Aug. 22-23, 2019	Schools Tentatively Selected for Support Notified by NDDPI
Aug. 26, 2019	Correspondence Disseminated for Review of School Accountability Reports on Test Site
Late Aug-Early Sept	Accountability Report Questions and Appeal Process Period
Mid-September 2019	Final School Accountability Reports made Public on NDInsights Dashboard
September 2019	Workshops Held for Schools Selected for Targeted Support



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