



2019 NDSBA School Law Seminar to Feature Education Commission of the States Speakers

NDSBA invites school board members, superintendents, business managers, school staff, and public and private sector attorneys to attend the 2019 NDSBA School Law Seminar on Thursday, October 24. The seminar will feature Zeke Perez Jr. and Benjamin Erwin with the Education Commission of the States.

Zeke Perez Jr. is a Policy Analyst with the Education Commission of the States. Zeke tracks legislation related to statewide longitudinal data systems, school safety, and postsecondary campus safety. He has been with Education Commission of the States since 2014. Zeke has a passion for local politics and enjoys following the varied policy approaches of city and state leaders. He earned a bachelor's and master's degree in public policy and political science from the University of Denver.



Benjamin Erwin is a Policy Researcher



with the Education Commission of the States. Ben works on tracking legislation, answering information requests, and contributing to other policy team projects. Prior to joining the Education Commission of the States, he taught high school social studies in Kentucky and worked in education policy at the National Conference of State Legislatures. He earned a master's degree in education policy from the University of Colorado Boulder and a bachelor's degree in history and education from Transylvania University.

Zeke and Ben will present a state-by-state policy comparison on weapons in schools, including a discussion on North Dakota's armed first responders program adopted by the legislature this past session. The Education Commission of the States is non-partisan, headquartered in Denver, and partners with state education policy leaders to address issues by sharing resources and expertise.

Seminar attendees will also hear from a number of North Dakota attorneys on topics that include dealing with a difficult patron, supporting transgender students, conflicts of interest for board members, cyberbullying, common legal issues in the K-12 setting, and highlights of the 2019 legislative session. Registration is available at www.ndsba.org. Check-in begins at 7:00 a.m., and a continental breakfast will be available at that time. Come early to avoid the long lines!

Government Affairs Committee Resolutions Report

NDSBA's Government Affairs Committee (GAC) met on August 22, 2019, to act on resolutions for consideration by the Delegate Assembly at the Annual Convention. Participating committee members were: Jim Johnson, Chair (Fargo); Shane Aadness (Stanley); Susie Carlson (Northern Cass); Sonya Hansana (Hazen); Roger Haut (Jamestown); Dianne Hensen (Glenburn); Karl Lembke (Bismarck); Holly Stromsodt (Finley-Sharon); and Carissa Swenson (Halliday).

Resolutions remain as standing resolutions for four years unless significant legislative or staff action prompt an earlier review. At the end of four years, they are dropped unless readopted by the Delegate Assembly. No new resolutions were submitted in 2019. Following are recommendations of the GAC:

RESOLUTIONS THAT ARE FOUR YEARS OLD AND RECOMMENDED FOR READOPTION AS WRITTEN

1. FEDERAL IMPACT AID FUNDING.

NDSBA shall support full funding by the federal government for federally impacted schools.

Adopted in 2011; readopted in 2015.

2. NON-EDUCATION FUNDS TO PROVIDE FOR SAFETY ISSUES INCLUDING SCHOOL RESOURCE OFFICERS AND HEALTH AND NURSING SERVICES. NDSBA shall

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Annual Convention Registration—Now Open!



Registration for the 2019 NDSBA Annual Convention is NOW OPEN! Registration is available online only at www.ndsba.org. Each district should submit ONE registration prepared by the business manager. Please remember that early bird registration rates are only available until October 11!



Legal Spotlight

The Impact of SB 2034

by Amy De Kok, NDSBA Legal Counsel

It has been several months since the 66th

Legislative Assembly came to an end and, as of August 1, all of the bills passed during the session have become law. One of those bills was SB 2034. It was one of several firearms-related bills that was considered by the Legislature during the session. SB 2034 provided that public schools are no longer exempt from the requirements applicable to private and public employers set forth in NDCC 62.1-02-13 relating to the possession of a firearm in a locked vehicle with respect to the list of individuals who and situations that are exempt under NDCC 62.1-02-05. By way of explanation, NDCC 62.1-02-05 generally prohibits the possession of a firearm or dangerous weapon at a public gathering, including a public school, and provides for a criminal penalty if the section is violated. This section, however, also contains a list of individuals who are exempt from this prohibition. Such individuals include, but are not limited to, law enforcement officers, a member of the armed forces while on duty, private or public

security personnel while on duty, and certain judicial officers. NDCC 62.1-02-10 contains certain prohibitions applicable to both private and public employers relating to employees' and invitees' rights to possess a firearm in a private motor vehicle in the employer's parking lot. Prior to SB 2034, public school employers were exempt from these prohibitions; however, SB 2034 amended NDCC 62.1-02-10 to apply these prohibitions to public school employers with respect to individuals permitted to possess firearms on school property under NDCC 62.1-02-05.

With respect to these exempt individuals, SB 2034 provides that school employers are no longer able to:

- (1) prohibit any employee or invitee from possessing a legally owned firearm if the firearm is lawfully possessed and locked in a vehicle in the parking lot;
- (2) make a verbal or written inquiry regarding the presence of a firearm inside or locked in a private motor vehicle in a parking lot;
- (3) condition employment on the fact that an employee or prospective employee holds or does not hold a concealed weapons permit;
- (4) prohibit an employee or invitee from entering the parking lot or the building because the employee or invitee has a legal firearm in their vehicle provided the firearm is out of sight; or
- (5) terminate the employment of or otherwise discriminate against an employee or expel an invitee for

exercising the constitutional right to keep and bear arms or for exercising self-defense as long as a firearm is never exhibited on school property other than for lawful defensive purposes.

To be clear, an "invitee" is anyone who enters school property for a proper purpose, including students, parents, and patrons. While this change may not raise concerns for some, the change does chip away at a local school board's ability to regulate the possession of firearms on school property as it relates to employees and others who enter onto school property.

In addition to SB 2034, there were a handful of other bills introduced this past session seeking to add to the list of exempt individuals in NDCC 62.1-02-05, including any individual who holds a class 1 conceal and carry license. While none of these other bills passed this session, they serve as an important reminder to be watchful of proposed legislation in this regard and how it may impact your district's existing policies and future ability to regulate firearms on school property.

For now, your board should review all applicable policies and regulations to ensure that you are in compliance with this recent change. NDSBA has made updates to template policies DEAG and KADA, both of which address the possession of weapons on school property. For additional information on new legislative requirements or changes, please contact NDSBA.

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NDSBMCP to Host Upcoming Training



The North Dakota School Business Manager Certification Program (NDSBMCP) will host a one-day training for current business manager

students in Bismarck on Wednesday, October 23, at the Holiday Inn (3903 State Street) from 10:00 a.m. - 3:30 p.m. Sandra DePountis, Assistant Attorney General at the ND Attorney General's Office, will cover the basics of Open Record and Meeting Laws during the morning session. Robin Hill, Human Resources Director at West Fargo Public Schools, will guide business managers through the process of hiring, evaluating, and terminating employees in Human

Resources I.

This training is for first-year business manager certification program students; however, graduates of the program are encouraged to attend one or both courses at a discounted rate. Graduate students also have the option to view the training online and receive up to 2.5 affiliate credits for participating. Registration opened on September 4. Information on the training will be emailed to all business manager students and available on the NDSBMCP website at www.ndsbmcp.org by clicking the **NEWS** tab at the top of the page.

Contact the NDSBA office at 1-800-932-8791 for more information on the program or for registration assistance.

■ GAC Resolutions Report

seek legislation that commits additional non-education resources to provision of these necessary services so school districts may continue to provide for educational needs of students and receive support necessary to continue these very important non-educational services necessary to ensure safety and health of all students in the state of North Dakota.

Adopted in 2007; readopted in 2011 and 2015.

3. K-12 FUNDING ADEQUACY.

NDSBA will take a lead role in discussions on continuing the commitment to "adequate funding" that the state has made to K-12 education.

Adopted in 2003; readopted in 2007 and 2011; amended and readopted in 2015.

4. SALES AND USE TAX EXEMPTIONS OF SCHOOL CONSTRUCTION SUPPLIES AND MATERIALS.

NDSBA will support the state making supplies and materials purchased by school districts through contracts with contractors for

construction projects exempt from sales and use tax.

Adopted in 2003; readopted in 2007, 2011, and 2015.

5. CURRICULUM CONTENT. NDSBA shall oppose state or national efforts to further define and mandate specific curriculum content.

Adopted in 2011; readopted in 2015.

6. REMOVING COMPENSATION FROM NEGOTIATIONS.

NDSBA shall support legislation amending the collective bargaining law to exclude compensation.

Adopted in 2007; readopted in 2011 and 2015.

7. PUBLISHING MINUTES. NDSBA will support legislation and seek sponsorship for legislation which would amend the requirement that school boards pay to publish minutes as defined in NDCC 15.1-09-31.

Adopted in 1991, amended and readopted in 1995 and 1999; amended and readopted in 2003; readopted in 2007; amended and readopted in 2011; readopted in 2015.

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If your board votes to bring a resolution to the convention floor for consideration by the Delegate Assembly, the

following process must be followed:

1. Have 400 copies of your resolution ready to distribute at the close of the First Business Session on Thursday afternoon.
2. At the Second Business Session on Friday afternoon, the chair will ask if there are resolutions that were distributed on Thursday. At that time, a delegate from your board must come to the microphone and move the resolution. A delegate from a different board must make the second.
3. Once a motion and second have been made, your resolution will be discussed and voted on by the Delegate Assembly.

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 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.

Board Member Service Awards

A copy of a qualifying board member's points form must be received in the NDSBA office by **Friday, September 20**, for board members to be recognized at the 2019 Annual Convention.

Barb Norby Scholarship

NDSBA is still accepting nominations for the Barb Norby Scholarship award. Nominations should be sent to alexis.baxley@ndsba.org as soon as possible.



NDSBA is Now on Twitter!

NDSBA is now on Twitter. Follow us at @ndschoollboards for events, policy, and other education-related updates.

Choice Ready Update from NDDPI

Choice Ready is an element in the North Dakota accountability system to measure whether our high schools prepare students to be ready for success upon graduation. The North Dakota Choice Ready framework is a tool to assist educators in ensuring that all students successfully graduate from high school possessing the critical skills necessary to be ready for life. The Choice Ready measure is calculated based upon year-over-year growth in the overall performance of the school's graduating class having acquired the Essential Skills and attained the readiness areas of Post-Secondary, Workforce, and/or Military/Life Skills within the framework. High schools must improve year after year to maintain the Choice Ready goals as established within North Dakota's accountability initiatives.

The positive messaging behind the Choice Ready framework is inclusive of all students and helps students identify a career cluster, which will prepare and enhance success in any or multiple areas beyond high school. The Choice Ready framework supports NDDPI's mission: "All students will graduate

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■ Choice Ready Update

Continued from page 3

choice ready with the knowledge, skills, and disposition to be successful.”

All North Dakota public high schools have completed their second Choice Ready report for the 2018-2019 school year with a 100 percent submission rate. It was critical that every public high school in North Dakota complete and submit a Choice Ready report as it represents 21 percent of your district’s accountability report and is worth 129 points.

August 2019 was the first time North Dakota reported on the new Choice Reading Initiative. NDDPI is compiling the data for inclusion of Choice Ready results on the School Accountability report, which will be available on your school accountability dashboard. Board members should ask their administrators to explain their district’s Choice Ready score and discuss how the board can impact student achievement.

NDSBA Seeks Student Artwork

NDSBA is seeking holiday-themed student artwork to be featured on our holiday cards. Artwork should be landscape-oriented and 5.5 x 4.75 inches. The student whose artwork is chosen will be recognized in the December issue of the *Bulletin* and receive a \$50 Barnes & Noble gift card. NDSBA will also make a \$200 donation to the student’s classroom.

Artwork can be submitted in two ways:

1. Original artwork can be mailed to NDSBA, PO Box 7128, Bismarck ND 58507.

2. High quality scans (300 dpi or greater) of original artwork can be emailed to linnae.brew@ndsba.org.

All submissions should include the name and grade of the student, the name of the student’s teacher, school name, and school district. Artwork must be received in the NDSBA office **by November 1**.



ND Rural School Summit

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

2019 NDSBA School Law Seminar

October 24, 2019
Ramkota Hotel, Bismarck

2019 NDSBA New Board Member Seminar

October 24, 2019
Ramkota Hotel, 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 NSBA Annual Conference

April 4-6, 2020
Chicago, Illinois

2020 NDSBA Annual Convention

October 29-30, 2020
Ramkota Hotel, Bismarck

SCHOOL LAW SEMINAR – THURSDAY, October 24, 2019

TENTATIVE SCHEDULE

- 7:00 a.m. Registration and Continental Breakfast
Welcome
- 8:00-8:45 **How to Deal with a Difficult Patron**
Laura Cobb, Olson, Juntunen, Sandberg & Boettner, Grand Forks
- 8:45-10:00 **Guide to Supporting Transgender Students**
Rachel Bruner and Meredith Vukelic, Pearce Durick, Bismarck
- 10:00-10:15 Break
- 10:15-11:30 **Weapons in Schools: State Policy Comparison and North Dakota’s “Armed First Responder” Program**
Zeke Perez, Jr., Policy Analyst, and Benjamin Erwin, Policy Researcher, Education Commission of the States
- 11:00-11:45 **Conflicts of Interests for Board Members**
Jack Yunker, Traynor Law Firm, Devils Lake
- 11:45-12:45 Buffet Lunch (included in registration fee)
- 12:45-1:45 **Cyberbullying: Where Does the Schoolhouse Gate End?**
KrisAnn Norby-Jahner, Vogel Law Firm, Bismarck
- 1:45-2:30 **Panel Discussion: How to Handle Common Legal Issues in K-12 Setting**
Amy L. De Kok, NDSBA Legal Counsel (Moderator)
- 2:30-2:45 **Highlights of 2019 Legislative Session**
Amy L. De Kok, NDSBA Legal Counsel
- 2:45 Conclusion of Seminar

Will apply for 6.0 CLE credits - State Bar Association of North Dakota

2019 NDSBA ANNUAL CONVENTION

TENTATIVE PROGRAM
Ramkota Hotel, Bismarck

PRECONVENTION SESSIONS

THURSDAY, October 24

- 7:00-8:00 a.m. Registration and Continental Breakfast – Dakota Ballroom
8:00-2:45 **SCHOOL LAW SEMINAR** – Lamborn/Patterson
8:00-2:45 **NEW MEMBER SEMINAR** – Grand Pacific

NDSBA CONVENTION

THURSDAY, October 24

- 3:00 p.m. **OPENING CONVENTION SESSION**
Stop Acting Your Age!
Matt Havens

- 4:00 p.m. **FIRST BUSINESS SESSION**

FRIDAY, October 25

- 7:00-8:00 a.m. Registration – Dakota Ballroom
Exhibit Visitation – Courtyard (coffee and rolls available)

- 8:00-9:00 **GENERAL SESSION**
Resilient Leaders: Challenging the Status Quo
Dr. Salome Thomas-EL

- 9:30-11:30 Business Manager Sessions

- 9:30-10:15 **CLINIC SESSIONS**
- Interpreting ND State Assessment Reports
 - Role of School Resource Officers
 - Strategic and Operational Planning
 - Principal EL
 - Mental Health in North Dakota
 - Small Organized Schools: Rural Education Topics

FRIDAY, October 25 (cont'd)

10:30-11:15

CLINIC SESSIONS

- Engaging Families and Forming Partnerships
- ND eCare School Health Program
- Looking Back: Lessons in Leadership
- Value of a Quality Emergency Plan
- Best Practices in School Board Governance
- Small Organized Schools: Digital/Career Tech

11:30-12:15

CLINIC SESSIONS

- Building a Powerful Team
- Parliamentary Procedure
- School Finance Refresher
- Restorative Practices & the School Community
- Small Organized Schools Annual Meeting

11:30-12:15

Business Managers' Lunch Buffet

12:15-1:00

Lunch Buffet & Exhibit Visitation

1:15-2:00

CLINIC SESSIONS

- Innovating Your School's Health Insurance Plan
- Teacher Pathways
- Interim Funding Study Discussion
- 10 Things That Bug Us About Each Other
- Round Table Discussions and Networking
- Increasing School Board Efficacy in Indian Country

2:15-3:00

CLINIC SESSIONS

- ND Insurance Reserve Fund Update
- Armed First Responder Program Update
- Deviation from the Norm: Personalized Learning
- Conversation with State Superintendent Kirsten Baesler
- School Construction Approval Process
- TFFR Update

3:15

SECOND BUSINESS SESSION AND DELEGATE ASSEMBLY

4:30

Adjourn