



bulletin



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Excellence in North Dakota public education through local school board governance ■ VOL XLV ISSUE 4

Leadership During a Crisis

Across our nation, school communities are facing the most unprecedented times in the 21st century. There are no district policies or even state statutes that can provide all the answers that are being asked. While there are numerous factors that currently lie beyond our control, there is one element boards can control, and that is how they lead.

Focusing on what is best for our students' academic, social, and emotional wellbeing should always be top of mind but is arguably now more important than ever before. School districts are undoubtedly hearing from families who are feeling anxious, scared, and unsure of what to do. During these times of such uncertainty, our students and families need and deserve a high functioning, high performing school board team that has a laser sharp focus on the needs of all learners.

Get back to the basics:

1. *Focus on good governance.* Do not be tempted to dive into operations. Keep your focus on oversight of the district and monitoring your district's goals and emergency plan execution.

2. *Trust and support one another.* This isn't a time to doubt the decisions of your fellow board members, your superintendent, and staff. You hire good people and you don't take on the position of school board member for fun (or the money!) but for the students and your community.

3. *Put away the baggage.* We all have times of disagreement. Let's set it aside and work toward what's best for all. You don't have to hold hands and sing songs around the campfire but decide what is most important right now and focus. For teams that have been struggling, this is going to test you and can bring out the

best or worst in you. You decide.

4. *Communicate, communicate, communicate.* Keep one another informed and, along with your superintendent, move forward with a consistent, unified message. These times are confusing and uncertain for everyone. Clarity builds trust with your team, staff, and community.

5. *Be flexible.* You're likely being asked to learn and adapt to new virtual meeting venues. Be willing to learn and have patience – everyone is doing the best they can.

Your leadership is being tested. Now is the time for all school board members to work with their superintendents in the most collaborative, supportive, and positive way possible. Let's set an example.

Learn to lead with the best YOU.

During the Meeting: Simple Ground Rules and Etiquette for Virtual Meetings

via Texas Association of School Boards

Here are some basic ground rules to heed and to share during your meeting:
Turn off all other technology.

- Other programs that are open and running can interfere with tech quality and performance during the meeting.

- It's easy to lose attention and take a quick look at Facebook or email when at a distance. Eliminate the distractions.

Keep your video on.

- It's easier to keep everyone's attention with live faces on the screen.

- Video-on helps keep everyone ac-

countable for their attention and decorum.

Mute your microphone, unmute to talk, and then mute again.

- The technology can amplify background noises and even override voices.

Take turns speaking.

- The technology can cancel out two or more voices at once.

State your name each time you speak. "This is"

Take your own notes throughout.

- The discipline of note taking keeps the hands and the mind focused on the task

instead of other things.

Fully step away if you have to go to the bathroom.

- More than one meeting attendee has been the unfortunate broadcaster of things best kept to oneself.

When something goes wrong, take a breath and let the tech moderator give prompts.

- Even the best technology sometimes goes wrong.

- Even the most skilled remote participants make mistakes.

- Be kind. Next time it might be you.



COVID-19 Resources

A 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.



Legal Spotlight

Conducting Elections During COVID-19 Pandemic

by Amy De Kok, NDSBA Legal Counsel

On April 2, 2020, Governor Doug Burgum issued

Executive Order 2020-19, waiving the statutory requirement to designate one or more physical polling locations for school board elections to permit school boards to conduct their 2020 annual election via absentee ballot only. By Executive Order 2020-19.1, the Governor waived similar requirements for school district special elections held during the duration of the state of emergency. For those boards that conduct their elections on their own (as opposed to in conjunction with the county for the statewide election in June), this will be a new experience. The following are answers to the expected questions that school boards, and their school district business managers in particular, will have when moving forward with this process.

What did Executive Order 2020-19 do with respect to method of voting in 2020 school district annual elections?

Executive Order 2020-19 strongly encouraged all public school boards in

North Dakota to approve and authorize all votes in the 2020 annual election to be cast by absentee ballot as permitted by NDCC 15.1-09-18. To accomplish absentee ballot-only elections, Executive Order 2020-19 suspended the following requirements:

- The requirement under NDCC 15.1-09-13 for school boards to designate one or more precincts.
- The requirement under NDCC 15.1-09-13 for school boards to designate one or more polling places for each precinct.
- The requirement under NDCC 15.1-09-12 for school boards to establish hours of operation for polling locations on the date of election.

NOTE: School boards that pull school board members from specified geographic areas and who restrict voting for those members to electors who reside within the specified geographic area(s) must ensure that the absentee voters receive the correct ballot corresponding to the appropriate geographic area within which the voter resides.

Executive Order 2020-19.1 suspended the same requirements relating to precincts, polling places, and polling hours for school district special elections held during the period of the declared emergency. Once the period of emergency ends by declaration of the Governor, Executive Order 2020-19.1 will no longer be effective.

Are public school boards required by Executive Order 2020-19 to hold their annual election in 2020 or any special election scheduled during the period of emergency by absentee ballot-only?

NO, the decision whether to conduct your annual 2020 election or any special election held during the period of emergency by absentee ballot-only is a local decision. However, NDSBA **strongly encourages** school boards to hold their elections via absentee ballot-only as permitted by Executive 2020-19. With mandated facility closures, CDC and NDDOH guidance limiting events and gatherings, and potential shortages of poll workers due to the COVID-19 pandemic, it would likely be very difficult for boards to conduct an election with a physical polling place.

Additionally, voting by absentee ballot enables eligible voters to exercise their fundamental right to vote, while practicing public health mitigating measures to control the spread of COVID-19 by community contact. Voters may be fearful to exercise their right to vote by casting their ballot in person at a physical polling place.

Does moving to an absentee ballot-only election require board action?

YES. The board of a school district that wishes to hold their annual 2020 election via absentee ballot-only, as strongly encouraged by the Governor, the ND Secretary of State, and NDSBA, requires specific action by the school board at a properly noticed public meeting. The decision to do so requires a motion, a second, and approval by a simple majority vote of members present and voting.

Can a school board reschedule its annual election to a later date in order to allow additional time to prepare for an absentee ballot-only election?

Possibly; however, NDSBA strongly discourages boards from rescheduling the date of their annual election. At this point, school district business managers have been required to comply with various deadlines and take various actions (including providing notice of the election date to the public and receive candidate filings) based on the election date set by the board. Rescheduling the election date may cause confusion among the electorate and could potentially increase the risk of a claim of voter disenfranchisement.

If we move to an absentee ballot-only election, do we still appoint election judges and clerks?

YES. Executive Order 2020-19 did not change the requirement in NDCC 15.1-09-13 to appoint election judges and election clerks. School boards must still appoint a minimum of two election judges and two election clerks.

Executive Order 2020-19 suspended the requirement under NDCC 15.1-09-14 that any school board appointed election judges count and canvas the votes for each office upon closing of the polls. This will allow election judges to open and process absentee ballots

Continued on page 3

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EDITOR

Alexis Baxley

PUBLISHER

North Dakota School Boards Association
PO Box 7128
Bismarck, ND 58507-7128

TELEPHONE 1-800-932-8791

LOCAL (701)255-4127

FAX (701)258-7992

WEBSITE www.ndsba.org

TWITTER @ndsba

EXECUTIVE DIRECTOR

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■ Legal Spotlight

Continued from page 2

on the day before and the day of the election. **Tabulation of the ballots (or reporting of results) may not begin until 7:00 p.m. on election day.**

Are school districts required to send out an absentee ballot application upon request from an eligible voter?

YES. NDCC 16.1-07-05(1) provides that, at any time in an election year, any qualified elector may apply to the school district business manager by personal delivery, facsimile, electronic mail or otherwise, for an official ballot for the annual or next occurring election.

- A voter may obtain an application form approved by the ND Secretary of State (SFN 51468) for an absent voter's ballot for a school election from the secretary of state, a county or city auditor, or a school district business manager.

- School districts should make absentee ballot applications and related instructions available to voters in multiple forums, including on the district's website, Facebook page, or Twitter account; at various locations throughout the community that are accessible by the public (e.g., grocery stores, convenience stores, etc.); and via email or mail upon request.

- NDCC 16.1-07-05 permits a voter to return a completed application to the school district business manager via personal delivery (i.e., drop box location outside of district office), facsimile, electronic mail, or otherwise.

- School districts are strongly encouraged to establish a drop box location outside of the school district office to accommodate personal delivery of absentee ballot applications by voters. School districts should ensure that all such drop box location(s) are secure and monitored frequently to maintain security.

- Designated school district staff (i.e., school district business manager) should access the drop box at frequent, regular times to remove applications to ensure prompt mailing of absentee ballots to voters.

- Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon thereafter as the official ballot has been prepared, the school district business manager must send to the absent voter by mail, at the expense of the school district, one official ballot, along with secrecy

envelope and a return envelope addressed to the school business manager with the affidavit required on the reverse side of the ballot. The affidavit can be found in NDCC § 16.1-07-08.

- North Dakota law requires that voters submit a completed application to the appropriate election official (i.e., school district business manager) in a timely manner so as to allow the applicant to receive, complete, and mail the absent voter's ballot before the day of the election.

When must official ballots be prepared?

NDCC 15.1-09-11 provides that **at least 40 days before the election**, the business manager must prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all individuals who have indicated their intent to be candidates by meeting the provisions of section 15.1-09-08. For school boards holding their annual election on June 9, 2020, the official ballot must be prepared and available **on or before April 30, 2020**. NDCC 16.1-07-04 also requires the school district business manager to prepare and have printed and available for distribution to the public **at least 40 days before the election date** a sufficient number of absent voter's ballots for the use of all voters likely to require such ballots for that election.

Must school boards that choose to conduct absentee ballot-only elections establish secure absentee ballot drop box locations in the district?

Executive Order 2020-19 **strongly encourages** all school boards to identify and establish secure absentee ballot drop box locations in various locations throughout the district in places located as conveniently as possible for voters. These drop box locations should be available and accessible from the date absentee ballots are mailed out or provided to district voters through the date of elections. Absentee voters will be allowed to return their completed ballot either by deposit in one of the secure drop box locations or by mail.

In addition, it is strongly recommended that school districts create **written chain of custody procedures** that your district will take to ensure the security of all ballots sent and received. Taking the time to write these procedures now could save you hours of stress later, particularly if there are any recounts.

Does Executive Order 2020-19 or

Executive Order 2020-19.1 make any changes to the process of handling the absentee ballots once received by the district?

NO, once the ballots are returned to the school district business manager, the process of handling the absentee ballots remains the same. In other words, neither Executive Orders issued by the Governor relative to school district annual elections or special elections held during the period of emergency make any changes to the process of handling absentee ballots once returned by the voter to the school district business manager.

Does Executive Order 2020-19 or Executive Order 2020-19.1 make any changes to the various deadlines set forth in NDCC chapter 15.1-09 regarding school district elections?

NO, none of the school board election deadlines set forth in NDCC chapter 15.1-09 have changed.

Does Executive Order 2020-19 or Executive Order 2020-19.1 make any changes to the vote canvassing process by the school board?

NO, Executive Order 2020-19 did not change the vote canvassing process. School boards must canvass votes in accordance with the requirements and procedures outlined in NDCC chapter 16.1-15.

Since the COVID-19 pandemic caused school closures, NDSBA has been working hard to keep our member districts informed regarding important guidance on various topics impacted by the pandemic. The full version of this elections guidance and more can be accessed on the COVID-19 Resources page (under Quick Links) on our website (www.ndsba.org) and covers such topics as:

- Unemployment
- FMLA (including Emergency Sick and Expanded FMLA Leave)
- FERPA
- Open Meetings & Records
- SFSP Policy guidance

We also provide links to other information and guidance from the Governor's Office, ND DPI, ND Department of Health, National School Boards Association, Office of Civil Rights, White House Task Force on Coronavirus, US EEOC, Center for Disease Control (CDC), US Department of Education, US Department of Labor, and the USDA, among others. Feel free to continue to contact our office with any additional questions or requests for information during this time.



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superintendent vacancies

Leeds School District (part-time)

Contact: Maria Dunlap
Phone: 701-466-2461
Email: 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



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 for more information.



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Follow us at **@ndschoo-
boards** for event, policy,
and other education-related updates.



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 for more information.

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 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.**