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NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

JUNE 2020

Excellence in North Dakota public education through local school board governance ■ VOL XLV ISSUE 6

DPI & NDSBA to Host Board Member Training

The North Dakota Department of Public Instruction and North Dakota School Boards Association will host a one-day school board member training on **July 22, 2020**. The purpose of this training is to provide school board members with information and training on various critical education topics including COVID-19. Both new and veteran school board members will significantly benefit from this training.

Board members may register for this



FREE training at <https://www.surveymonkey.com/r/VDY3WR6>. The training will run from 9:30 a.m. – 3:30 p.m. CDT in the Pioneer Room of the State

Capitol, Bismarck. There will also be a virtual attendance option. **This training does not meet the new board member training required by law.**

For more information on the training, please contact Alexis Baxley at (800)932-8791. If you have any questions regarding registration or if you have special needs that require a specific accommodation

while attending, please contact Patty Carmichael at (701) 328-3264.

NDHSAA Launches Return to Competition Committee

By Matt Fetsch, NDHSAA Executive Director

The COVID-19 pandemic obviously presents the North Dakota High School Activities Association (NDHSAA) and our 171-member schools with a myriad of challenges. In early June a Return to Competition Committee (RTCC) was created to help guide the NDHSAA Board of Directors on how to best approach the many components of “opening up” high school athletics and activities around the state during the 2020-21 academic year. A return to competition in North Dakota high schools will closely align to the Department of Public Instruction’s K-12 Smart Restart Plan, including guidance from the Department of Health and will be in accordance with orders from the Governor’s Office. In short, there must be in-person education in order for



Matt Fetsch, NDHSAA Executive Director

schools to have educationally-based athletics and activities.

Mental health experts nationwide believe it is essential to the physical and mental well-being of high school students to return to physical activity and

competition. As chaotic as high school activities and K-12 education have been since March 13, 2020, it is possible that 2020-21 may be even more disruptive. The RTCC is focused on formulating

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NDSBA DUES STATEMENTS

have been sent to district business managers.

School districts in North

Dakota have long benefited from the support, training, information, and legislative advocacy provided by the North Dakota School Boards Association. When public school boards join together, they make a difference in their own effectiveness and overall support for public education and local control.

POLICY SERVICES RENEWAL

2020-21 INVOICES will be mailed to your district’s designated Policy Services representative **by July 15**. Districts will also receive an email mid-July requesting their school’s contact information and the individuals they would like to receive future Policy Services correspondence. Please submit payment promptly to maintain your benefits and ensure your district is receiving the latest policy updates.



Legal Spotlight

Review of Annual Meeting Requirements

by Amy De Kok, NDSBA Legal Counsel

By now, most school districts have held their annual election. So, now what? Following the declaration and certification of the election winners and the administration of the affirmation or oath of office, a school board must hold its annual meeting in the month of July. NDCC § 15.1-09-30(1) requires the president of the board to select a meeting date that is convenient to the other board members and must provide board members with written notice of the meeting. A number of important items are accomplished at the annual meeting. The following is a brief summary of each of these items.

First and foremost, NDCC § 15.1-09-02 provides that the term of office for a school board member begins at the annual meeting held in July following the member's election and continues until a successor is elected and qualified. This also means that the term of any board member who is transitioning off of the board (either because the board member has chosen

not to run again or because the board member was not re-elected to the board) ends as of the annual meeting. The term of each elected member of a school board is three years, except when the member is completing the unexpired term of another or the school board has by resolution changed the terms of office for its members from three to four years. NDSBA has a recommended procedure (BCAB-BR) for seating new board members at the annual meeting. This procedure directs that the annual meeting be called to order by either the most senior board member remaining on the board or the superintendent. This individual will serve as chair pro-tem until a new president is elected. The chair pro-tem will then acknowledge all new board members who will be seated after the call to order. The chair pro-tem will then follow the order of business delineated in the agenda. Election of officers should be considered a special order and acted upon before addressing unfinished business and new business.

There is a common misunderstanding that a newly-elected board member's term begins once the election returns are certified by the school board following the annual election. This is inaccurate; **North Dakota law is clear that the terms of newly-elected members begin as of the annual meeting in July.** A school board may continue to hold meetings, conduct business, and take action between the annual election and the annual meeting in July.

The next task at the annual meeting is for the school board to elect its officers to serve over the next year. North Dakota law requires, at a minimum, all boards to elect from among themselves a president to serve for one year. The president presides at all meetings of the board, appoints all committees subject to approval by the board, provides authorization for the issuance of negotiable instructions, and performs all other acts required by law. The president also typically has several additional responsibilities as set forth in board policy (e.g., policy BBBA). These

duties and responsibilities should be considered by the board in choosing the individual to serve as its president. Nothing in law prevents the president from making a motion, seconding a motion, or voting on a motion (other than possibly in the case of a conflict of interest under NDCC §§ 15.1-07-17 or 44-04-22). However, board policy may limit the president's ability to make or second a motion. The board may also elect a vice president at the annual meeting to serve in the absence of the president at any meeting.

When a board-elected officer exhibits behavior that reflects negatively on the board, the board may remove the officer from the elected office through an affirmative vote. Negative behavior may include, but is not limited to, misconduct, malfeasance, crime in office, habitual drunkenness, gross incompetence, or failure to discharge the duties as an officer of the board. The board may remove an elected officer by simple majority vote. The removal from the elected office, however, does not remove the individual from the board. In addition, board officers may voluntarily resign from their position as an officer. In that instance, the board may have a procedure outlined in policy to fill the vacated position with another member. Otherwise, if there is no direction in policy, the board may elect a replacement by approval of at least a majority of the members present and

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Return to Competition Committee

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multiple plans that include:

1. How regular season and/or championships might be conducted if schools re-open and are subsequently forced to close due to "hotspots" in certain areas of the state. While undesirable, this could mean potential exclusion of participants/teams from competition at closed schools while others continue forward.
2. Another consideration will be if the possibility of conducting seasons in sports or activities that are considered "lower risk" while cancelling athletics/activities considered "higher risk" will exist.

Although the answers to these considerations are unknown at this time, they give insight into what challenges member schools may face in the immediate future.

The RTCC hopes to have recommen-

dations for reopening to the NDHSAA Board of Directors by mid-July. Fall sports practices begin on Monday, August 3, with boys soccer. Cross country, football, Class A girls golf, and boys tennis are right behind on August 10, with girls swimming and volleyball slated to begin on August 17. Again, these dates are subject to the return of K-12 in-person education.

The NDHSAA Board of Directors has also altered several rules and regulations over the past three months, including the following:

- Granted a one-year extension of expiring pre-participation physical exams. This means only 7th graders and/or students who did not have an exam in 2019-20 need a physical prior to competing in 2020-21. As with all NDHSAA rules, schools may wish to have requirements above and beyond what is required by the

NDHSAA minimum.

- Approved online AED/CPR and First Aid courses for coaches' certification.
- Allowed local school districts to determine how their facilities may be used in the months of June and July, provided they comply with DPI's K-12 restart guidance and any applicable Executive Orders.
- Extended the out-of-season coaching window for 9-12 grade coaches in team sports to August 6, for 2020 only. Traditionally this window for team and individual camps closes on July 31 annually.

While uncertainty remains as to when in-person education and educationally-based sports and activities will return, **and they will return**, the NDHSAA remains confident we will provide our 30,000 student participants with the best experience possible through informed decision-making.

Legal Spotlight

Continued from page 2

voting.

In addition to the foregoing, standing committee assignments are often determined at the annual meeting. As indicated above, the president is responsible for making assignments to committees subject to the approval of the board. NDSBA has a recommended template policy for school board committees (BBBB) that includes directives regarding committee membership. Generally, NDSBA recommends that less than a quorum of the board be assigned to serve on any one committee in order to avoid committee meetings being deemed meetings of the board. Non-board members may serve on board committees; however, NDSBA cautions boards to be careful when assigning non-board members to board committees and recommends that such assignments only be done when the individuals have particular expertise necessary or valuable to the task of the committee. The general purpose of board committees is to gather information and make recommendations to the board for action. The board should generally not delegate any final

decision-making authority to a board committee.

Finally, if it has not already done so, the board should at its annual meeting set a schedule of its regular monthly meetings for the upcoming year as required by NDCC § 15.1-09-30(2).

The schedule of these meetings must be filed annually with the county auditor or posted on your district website.

Please feel free to contact NDSBA for further information in advance of your annual meeting.



NDSBMCP Elections and Audit Courses to Be Offered This Summer

Registration is now open for two ND School Business Manager Certification Program classes: **Elections and Audit Preparation and Internal Controls**. Both classes are being offered to current and graduate students. They will be held online from July 15 – September 15, 2020. Students retaking a class for continuing education credit will receive a discounted rate and can earn up to 2.5 credits.

Amy De Kok, NDSBA Legal Counsel, will provide an overview of the election process from start to finish including election notices, printing ballots, selecting polling sites, counting ballots, managing poll books, and running elections in conjunction with city and/or county elections. She will also review requirements associated with the various types of elections (e.g., school board candidate elections and bond elections) as well as the Corrupt Practices Act.

Will Swanson, Bismarck Public Schools Director of Accounting, will focus on the documents needed for the audit process, common questions that arise during audits, how to report audit results to state and local officials, responding to audit findings, and implementing internal controls to ensure uniformity and transparency in financial records and to prevent fraud.

Course information and registration is available on the NDSBMCP website at <http://ndsbmcp.org/> by clicking the **NEWS** tab at the top of the page or by calling the NDSBA office at (800)932-8791.



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resume to: PO Box 170
Golva ND 58632
Deadline: Open until filled
Position Begins: July 1, 2020



COVID-19 Resources

A COVID-19 Resources page with the latest information and guidance can be found on the NDSBA homepage under Quick Clicks. It can be accessed at www.ndsba.org. Resources include remote meetings guidance, elections guidance, and more.



mark your calendar

Board Member Training
Hosted by NDDPI and NDSBA
July 22, 2020
State Capitol, Bismarck

ND Rural School Summit
Hosted by NDDPI and NDSOS
October 28, 2020
State Capitol, Bismarck

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



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