



bulletin



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

DECEMBER 2021

Excellence in North Dakota public education through local school board governance ■ VOL XLVI ISSUE 12

Negotiations Seminar 2022

NDSBA's 2022 Negotiations Seminar will be held on Friday, February 4, 2022. Three early-bird sessions will be held on Thursday, February 3. Sessions will be recorded and available for paid registrants to watch later. A detailed agenda and registration information will be available at www.ndsba.org and emailed to business managers soon. Registration will open on January 4, 2022, at www.ndsba.org. Districts are encouraged to register early; registration fees will increase on January 26, 2022.

The presentation will include:

- Evaluation of licensed personnel;
- Nonrenewal procedures;
- Performance nonrenewals;
- First-year teacher nonrenewals;
- RIF nonrenewals; and
- Resignation and contract breach.

Investigating Allegations of Employee Misconduct

*Thursday, February 3, (\$60/\$85)
1 p.m. – 2:30 p.m.*

This session will walk attendees through the complaint and investigation process and will discuss what

type of involvement is appropriate for board members. The presentation will include:

- Identifying the nature of the complaint;
- Determining if an investigation is warranted;
- Determining who should conduct the investigation;
- The investigation process;
- The investigation file; and
- After the investigation is complete.

Continued on page 3

NEGOTIATIONS SEMINAR

(\$160/\$185)

Negotiations Basics, Preparation & Strategy

*Friday, February 4
8:30 a.m.-10 a.m.*

These sessions are primers geared for first-time negotiators or those looking for a refresher. Registration for this session is included in the full Negotiations Seminar fee.

Negotiations Seminar

*Friday, February 4
10:15 a.m. – 4:30 p.m.*

Topics will include the dos and don'ts of a negotiated agreement, probationary teacher nonrenewal, an experienced negotiator panel, and employee and staff relations in divisive times.

EARLY BIRD SESSIONS

Teacher Nonrenewal

*Thursday, February 3 (\$110/\$135)
9 a.m. – 11:30 a.m.*

This session will walk participants through teacher nonrenewal procedures and touch on the discharge process. Participants will receive a copy of NDSBA's Nonrenewal, Resignation, and Discharge Handbook.

Happy Holidays!



The North Dakota School Boards Association staff would like to wish you a happy holiday season. We would also like to congratulate **Kaitlyn Erickstad**, a sophomore at Starkweather School District. Her artwork will be featured on the front of NDSBA's 2021 holiday card. Kaitlyn is a student of Rebecca Kingsley. Congratulations, Kaitlyn, and thank you to all of the students who submitted artwork – they were all fantastic!



Legal Spotlight School Involvement in Child Custody Matters

by Amy De Kok, NDSBA Legal Counsel

One of the most frequent questions I receive from our member districts relates to how to handle child custody matters involving students in their district. The issues that prompt these calls usually involve one of two things: (1) a request for school staff to testify at a custody hearing; or (2) there is a dispute between parents regarding compliance with the parenting plan and the school has been put in the middle. This article will address recommended practices with respect to both issues.

As indicated, it is quite common for school staff to receive a request to testify at a child custody hearing involving a student in their district. The request usually comes by way of a subpoena, and teachers and school counselors are most often the targets of these subpoenas. Typically, such is issued by the attorney of one of the parents. The North Dakota Rules of Civil

Procedure require that subpoenas be properly served on the subject of the subpoena. If a staff member receives a subpoena to appear at a hearing or deposition, or to provide documents relating to a student, the staff member should immediately contact administration for direction. It is recommended that administration seek assistance from district legal counsel to ensure the subpoena was properly served and to receive advice on how to respond. A properly served subpoena is generally an exception to the Family Educational Rights to Privacy Act's (FERPA) parental consent requirement. Without proper service, school employees would likely be restricted from providing personally identifiable information (PII) of the student in response to the subpoena.

If the subpoena is demanding an appearance at a deposition or hearing, it is also recommended that administration, through counsel, contact the attorney of the party who issued the subpoena to discuss the nature of the testimony they expect to receive from the school employee.

This will allow the school employee to be properly prepared for the hearing. I often recommend that school employees refrain from "picking sides" in a custody matter, unless there is good cause to do so. Remember – regardless of the end result of the custody matter, the school will have to interact with both parents going forward. Maintaining a good relationship with both parents is important for the success of the

student.

It is also quite common for disputes to arise between divorced or separated parents of a student that spill over into the school environment. School officials must comply with, and at a minimum not assist others in the violation of, a court order regarding child custody and visitation. School officials should make it clear to the parents that it is their responsibility to advise the district of any custody arrangements or requirements. If a dispute arises between the parents, the school should place the responsibility back on the parents to resolve the dispute and to notify the school of the resolution. If that does not work, the school should seek assistance from district legal counsel.

Please feel free to contact NDSBA Legal Counsel for additional information on this topic.

The *Bulletin* is the official newsletter of the North Dakota School Boards Association. It is published twelve times each year and is mailed as third class mail from New Salem, North Dakota.

EDITOR

Alexis Baxley

PUBLISHER

North Dakota School Boards Association
1224 West Owens Avenue
Bismarck, ND 58501

TELEPHONE 1-800-932-8791

LOCAL (701)255-4127

FAX (701)258-7992

WEBSITE www.ndsba.org

TWITTER @ndschoollboards

EXECUTIVE DIRECTOR

Alexis Baxley, Bismarck

OFFICERS

PRESIDENT

Karl Lembke, Bismarck

VICE PRESIDENT

Patti Stedman, West Fargo

PAST PRESIDENT

Holly Stromsodt, Finley-Sharon

DIRECTORS

Lucas Greff, Mott-Regent
Steve Halldorson, Devils Lake
Jim Rostad, Minot
Nathan Berseth, Richland 44

Introducing:



General legal counsel and advice

Contract review

Negotiated Agreement review

Customized policy drafting

Customized training

Please contact NDSBA for more information regarding NDSBA Legal Direct.



Policy Updates and Resources

Policy Services members are reminded to check out the latest policy updates and resources

in *Policy Ponderings*. These updates and resources can be accessed by logging in to the Policy Services website at <http://policy.ndsba.org/>, clicking the *Policy Ponderings* tab, and selecting Policy News from the dropdown menu. Contact the NDSBA office if login assistance is needed.

The October and November editions of *Policy Ponderings* highlight changes to 26 policies, regulations, and exhibits. Some of the revised policies include: ABBB, Community Use of District Property (recommended); FDG, Dropouts (recommended); FFK, Suspension and Expulsion (required); and FGA, Student Education Records (required). Most templates had minor changes; however, there were some policies that were due for a review but required no modifications. As a reminder, when a board evaluates

policies or board regulations and finds that no changes are needed, Policy Services recommends updating the adoption date (MM/DD/YR) at the bottom of the policy and having the board reaffirm the policy with one reading. A sample motion to reaffirm a policy can be found in our Policy Services resource: *Sample Motions for Policy Adoption*.

Members may only view the template updates in pdf form within *Policy Ponderings*. Districts that have purchased our Required or Total Template Manuals also have the option to download and print the templates (depending on their membership level) in Word format. Template Manual members can access their online manual by clicking on the Policy Templates tab. All other districts must request the policy template by completing the Policy Request Form on the Policy Services website under the Services tab or contacting the NDSBA office at 1-800-932-8791.

School District Long-Term Planning Process

Between January 1 and June 13 of every even-numbered year, the board of each school district is required to invite the public to participate in a planning process that addresses the effects of demographics on the district for the next three and five years. The planning process must specifically address potential effects on:

- a. Academic and extracurricular programs;
- b. Instructional and administrative staffing;
- c. Facility needs and utilization; and
- d. District tax levies.

Holding an open public forum is one way to meet this requirement. It is recommended that the district provides frequent and ample notice of the forum to its patrons. The notice of the planning meeting, at a minimum, should be published in the district's official newspaper. Open

meeting laws will need to be followed if a quorum of board members is present at the open public forum.

School boards are also required to prepare a report, publish a notice in the official district newspaper indicating that the report is available, and make the report available upon request at the conclusion of the planning process. The report does not need to be submitted to the Department of Public Instruction; however, districts will need to acknowledge compliance with this requirement in STARS.

NDSBA has created a Three and Five-Year Plan template to assist districts in compliance with this obligation. The template can be found on the NDSBA website under Resources at <http://ndsba.org/index.php/resources/> or can be requested by calling our office at 1-800-932-8791.

■ Negotiations Seminar

Continued from page 1

Principal and Non-superintendent Administrator Contracts

Thursday, February 3, (\$60/\$85)
2:45 p.m. – 4:15 p.m.

This session will cover best practices regarding principal and non-superintendent administrator contracts, including common provisions and considerations participants will discuss:

- Negotiating contracts;
- Evaluations and improvement plans;
- Renewal of non-superintendent administrator contracts; and
- Nonrenewal and discharge of non-superintendent administrators



We're on
**Twitter &
Facebook!**



Follow us at @ndschooboards (Twitter) and North Dakota School Boards Association (Facebook) for event, policy and other education-related updates.



mark
your calendar

2022 Negotiations Seminar

February 3-4, 2022
BSC National Energy Center of Excellence, Bismarck

2022 NSBA Annual Conference & Exposition

April 2-4, 2022
San Diego, CA

Human Resource Collaborative Conference

April 20-21, 2022
Ramkota Hotel, Bismarck

2022 NDSBA Annual Convention

October 27-28, 2022
Ramkota Hotel, Bismarck



PO Box 7128
Bismarck, ND 58507-7128

PRE-SORTED
STANDARD
U.S. POSTAGE
PAID
PERMIT NO. 6
NEW SALEM, ND
58563

RETURN SERVICE REQUESTED



Pingree-Buchanan School District

Contact: Kylee Ingebretson, Business Manager (contact to apply)
Phone: 701-252-5563
Email: kylee.ingebretson@k12.nd.us
Deadline: January 14, 2022 (or until filled)
Position Begins: July 1, 2022

Mandaree School District

Contact: Alexis Baxley
Phone: 701-250-4127
Email: alexis.baxley@ndsba.org
Application: www.ndsba.org
Deadline: January 31, 2022
Position Begins: July 1, 2022

Mott-Regent School District

Contact: Alexis Baxley
Phone: 701-255-4127
Email: alexis.baxley@ndsba.org
Application: www.ndsba.org
Deadline: February 7, 2022
Position Begins: July 1, 2022

Rolette School District

Contact: Dr. Paul Stremick, DLS
Phone: 701-520-5963
Email: Paul.Stremick@outlook.com
Website: www.dakotaleadershipsolutions.com
Deadline: February 18, 2022
Position Begins: July 1, 2022

Wahpeton School District

Contact: Nancy Bollingberg or Jack Maus, DLS
Email: nancy.bollingberg@gmail.com
OR jackmaus56@gmail.com
Website: www.dakotaleadershipsolutions.com
Deadline: February 4, 2022
Position Begins: July 1, 2022

Washburn School District

Contact: Dr. Brian Duchscherer, DLS
Phone: 701-321-5719
Email: dduchscherer.brian@gmail.com
Website: www.dakotaleadershipsolutions.com
Deadline: February 4, 2022
Position Begins: July 1, 2022