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JANUARY 2022

Excellence in North Dakota public education through local school board governance ■ VOL XLVII ISSUE 1

Reminder – Registration Open for 2022 Negotiations Seminar

Registration is open for NDSBA's 2022 Negotiations Seminar, which will be held at the National Energy Center of Excellence on the Bismarck State College Campus on Friday, February 4. We are excited to be back in person following 2021's virtual seminar.

Three early-bird sessions will be held on Thursday, February 3. A detailed agenda and registration information are available at www.ndsba.org. **Be sure to take advantage of advanced pricing discounts and register today!**

Prices increase on January 26. All sessions will be recorded and made available to paid attendees following the Seminar. The agenda is below:

Thursday, February 3

9 a.m. – 11:30 a.m.

Teacher Nonrenewal

1 p.m. – 2:30 p.m.

Investigating Allegations of Employee Misconduct

2:45 p.m. – 4:15 p.m.

Principal and Non-superintendent Administrator Contracts

Friday, February 4

8:30 a.m. Negotiations basics, preparation, and strategy

10:15 Break

10:30 What's in a Negotiated Agreement: Do's and Don'ts

11:30 Experienced Negotiator Panel: Negotiation Scenarios

12:15 p.m. Lunch (included)

1:15 Probationary Teacher Challenge

2:00 Employee and Staff Relations in Divisive Times

3:15 Interactive Q&A

4:00 Adjourn



We have reserved room blocks at the Hampton Inn & Suites Bismarck Northwest (701-751-5656) and the Home2 Suites by Hilton Bismarck (701-751-3400 (dial 0)). **Be sure to request rooms in the NDSBA block.** Call to make your reservations now!

Superintendent Evaluation Deadline March 15

North Dakota law requires that a school board complete the superintendent's summative evaluation process **BEFORE MARCH 15**. This means all paperwork, compilations, and public discussion of the evaluation must occur before March 15. A board cannot complete the process if they wait until the March meeting.

It is best to begin the process early in February to ensure compliance with the statutory deadline. The statute also requires that the superintendent be evaluated using a satisfactory or unsatisfactory rating.



Book Rooms for 2023 NDSBA Annual Convention

NDSBA's 2023 Annual Convention will begin on Thursday, October 26, with the Law Seminar and New Member Seminar. Regular convention activities will begin that afternoon and conclude on Friday afternoon, October 27.

The Ramkota began taking room reservations for the 2023 Annual Convention on January 3, 2022. Call the Ramkota at 701-258-7700 to secure your room reservations early.



Legal Spotlight

Status of Title IX Regulations Under Biden Administration

by Amy De Kok, NDSBA Legal Counsel

In May 2020, U.S. Secretary of Education Betsy DeVos under the Trump Administration released the new final Title IX regulations focusing on sexual harassment as unlawful sex discrimination. The new regulations raised the bar of proof for sexual misconduct and bolstered the rights of those accused of sexual harassment. The regulations triggered criticism from civil rights groups and Title IX advocacy groups who said that the changes unnecessarily burden victims of sexual assault and increased the chances of victims being exposed to their accused assailants. Following the issuance of the regulations, public school districts across the country and in North Dakota revamped their Title IX policies and procedures in compliance with the new regulations. These efforts required significant time and resources often scarce in K-12 education.

President Biden campaigned on overturning the Title IX rule finalized

under the Trump administration. In March 2021, after taking office, Biden signed an executive order directing The Department to suspend, revise or rescind the DeVos-era rule, or begin the process of collecting comments to draft a new rule. Shortly thereafter, the Department of Education began the process of unraveling the 2020 changes, announcing a comprehensive review, including a 5-day public hearing that took place in June. The department also released a 67-page Q&A document on how to interpret and implement the 2020 rule while it remains in effect during the interim. The document emphasizes that the 2020 rule sets a school's minimum responsibilities and their authority to go beyond the requirements in the rule. The guidance document also notes that the definition of sexual harassment designates what schools are required to investigate, but they also have the authority to investigate instances that fall outside of the definition. Finally, under the 2020 rule, Title IX resources and procedures only kick in when a school has been formally notified through their Title IX coordinator. The 2021 guidance

provides that schools can be formally notified through other designated staff. The guidance also reestablishes other reporting pathways such as through a newspaper article or an anonymous report.

This past Friday, the Department announced that it is planning to unveil its proposed Title IX rules in April. The new target date announced by the Department is not binding but represents the agency's best estimate of when it plans to release its new Title IX proposal for public comment.

The administration has also indicated it plans to include in the new Title IX rules a range of protections for transgender students, including their rights to access school bathrooms that match their gender identity and participate in school sports.

NDSBA will continue to watch the progress closely and provide updates to our members. In the meantime, please contact NDSBA or your district legal counsel for guidance on compliance with the 2020 rule in light of the 2021 guidance document issued by the Department of Education.

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 @ndsba

EXECUTIVE DIRECTOR

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NDSBMCP to Host Training in February

The North Dakota School Business Manager Certification Program (NDSBMCP) will host a one-day training for business manager students in Bismarck on Wednesday, February 2, at the Bismarck Public Schools Career Academy (1221 College Drive). Budget, Budget Forecasting, and School Accreditation and School Law for Business Managers will be taught to

first-year students while Business Manager's Role in Negotiations and Data-Driven Decision Making and Board Reporting will be taught to second-year students. These classes are available only for current and graduate students of the program. Students can register by going to the NDSBMCP webpage at <https://www.ndsbmcp.org/> and selecting the NEWS tab at the top of the page.



State Mileage Rate Changes

As of January 1, 2022, state rate for mileage reimbursement is \$0.58.5 per mile.

State mileage rates can be found on the North Dakota Office of Management and Budget website at www.nd.gov/omb/agency/financial/fiscal-policies under Fiscal and Administrative Policy Updates Updated 1/1/2021.

Mileage rate updates can also be found on NDSBA's webpage under QuickClicks: Mileage Reimbursement Rate (link to www.gsa.gov website).



Policy Updates—Virtual Learning

Districts interested in setting up either temporary virtual instruction when their school building can't be accessed because of weather or other conditions or implementing permanent virtual academies/schools must have a policy in place prior to offering virtual learning to its students. Districts that choose

not to offer either virtual instruction option should not adopt a policy. NDSBA Policy Services has recently released recommended policies ABAC, Virtual Learning Because of Weather or Other Conditions and ABAD, Virtual Schools. District members may request these templates by contacting the NDSBA office at 1-800-932-8791.

superintendent vacancies

Pingree-Buchanan School District
Contact: Kylee Ingebretson, Business Manager
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

Wahpeton School District
Contact: Nancy Bollingberg or Jack Maus
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
Phone: 701-321-5719
Email: dduchscherer.brian@gmail.com
Website: www.dakotaleadershipsolutions.com
Deadline: February 4, 2022
Position Begins: July 1, 2022

North Border School District
Contact: Dr. Paul Stremick
Phone: 701-520-5963
Email: Paul.Stremick@outlook.com
Website: www.dakotaleadershipsolutions.com
Deadline: March 2, 2022
Position Begins: July 1, 2022

Lone Tree School District
Contact: Dr. Timothy W. Tharp or Leah Zook
Phone: 701-872-3674
Email: tim.tharp@k12.nd.us or leah.zook@k12.nd.us
Website: www.golva.k12.nd.us
Deadline: until filled
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
Phone: 701-520-5963
Email: Paul.Stremick@outlook.com
Website: www.dakotaleadershipsolutions.com
Deadline: February 18, 2022
Position Begins: July 1, 2022

Become an Expert in Playground Safety

Submitted by North Dakota Rec and Parks Association

The North Dakota Recreation & Park Association (NDRPA) is holding its 20th annual Certified Playground Safety Inspector (CPSI) Course March 15-17, 2022, in Bismarck.

Participants can learn about the latest developments in playground safety through classroom instruction and hands-on site investigation during this two-day course. Individuals interested in becoming a certified playground safety inspector may take the optional exam on the third day.

Sponsorships from the North Dakota Parks & Recreation Department and the North Dakota Insurance Reserve Fund (NDRIF) make this first-class course, hosted by the Bismarck Parks & Recreation District, possible.

Scholarships available

Limited scholarships are available to NDRIF and NDRPA members who register for both the course and the exam. The scholarship (\$410 value) will cover the cost of course registration. Members who receive a scholarship only pay \$115 for the exam fee.

The scholarship is limited to three people per agency and distributed on a first-come, first-served basis. If an agency submits more than three scholarship requests, additional requests will be placed on a waiting list to be awarded on a first-come, first-served basis after January 28.

Register today

The final registration deadline for the course is February 17. The course schedule and registration details are available at www.ndrpa.com.

For more information, contact NDRPA at 701-355-4458 or ndrpaoffice@gmail.com.



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.

NSBA 2022 Annual Conference

The NSBA Annual Conference and Exposition will be held April 2-4 in San Diego, California Register online at <https://www.nsba.org/Events/NSBA-2022-Annual-Conference-and-Exposition>.



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2022 Negotiations Seminar

February 3-4, 2022
BSC National Energy Center of
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**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



**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.



2022 School Board Election Deadlines Example

Annual school board elections must be held between **April 1 and June 30** (NDCC 15.1-09-22). **NDSBA is using June 7, 2022, as an EXAMPLE election date.** **If you have a different election date, compute your schedule in accordance with state law cited below.** If your school board election is held in conjunction with a county election, the county election board should administer the election in the same manner as the county or state election. (NDCC 15.1-09-13 (4))

| MARCH | | | | | | | APRIL | | | | | | | MAY | | | | | | | JUNE | | | | | | |
|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|
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| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 27 | 28 | 29 | 30 | 31 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 26 | 27 | 28 | 29 | 30 | | |
| | | | | | | | | | | | | | | 29 | 30 | 31 | | | | | | | | | | | |

March 5, 2021 - 94 days before the election

30 days before the deadline for candidate names to be printed on the ballot, an official notice of this deadline must be published in the official newspaper of the city or county. (NDCC 15.1-09-09)

April 4, 2022 - 64 days before the election

An individual seeking election to the board of a school district shall prepare and sign a document (Statement of Intent) stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a Statement of Interests as required by section 16.1-09-02. These documents must be filed with the school district business manager or mailed to and in the possession of the business manager by 4:00 p.m. **on the 64th day before** the election. (NDCC 15.1-09-08)

Each board of a school district that enters into an agreement with the county (to share election expenses) must notify the county auditor in writing, **at least 64 days before** the election, the offices to be filled at the election and any measures to appear on the ballot. (NDCC 15.1-09-24) NOTE: This deadline only applies to school districts holding the annual election in conjunction with a primary election and sharing election expenses with a county.

April 28, 2022 - 40 days before the election

At least 40 days before the election, the business manager shall 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 provision in NDCC 15.1-09-08. (NDCC 15.1-09-11)

May 3, 2022 - 35 days before the election

At least 35 days prior to the annual election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible. (NDCC 15.1-09-13 (1))

At least 35 days prior to the annual election, the board of each school district shall designate one or more polling places for each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. (NDCC 15.1-09-13 (2))

May 24, 2022 - 14 days before the election

At least fourteen days before the date of an annual or special school district election, the school board shall publish a notice in the official newspaper of the district stating the time and place of the election and the purpose of the vote. (NDCC 15.1-09-09)

June 7, 2022 - Election day

School Board Election

June 20, 2022 - 13 days after the election

On the thirteenth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election. (NDCC 15.1-09-15)

June 23, 2022 - 3 days after canvassing

Within three days after the canvass by the school board for a school district election, the business manager of the school district shall provide to each elected individual written notice of the individual's election and of the duty to take an affirmation or oath of office. (NDCC 15.1-09-17)

June 21-30, 2022 - 10 days after canvassing

Within ten days after the canvass by the school board, the business manager shall certify the individuals elected and their terms to the County Superintendent of Schools. (NDCC 15.1-09-17)

An individual elected as a member of or appointed to a school board shall take and file with the school district business manager an affirmation or oath of office **within ten days** after receiving notice of the election or appointment and before commencing duties. (NDCC 15.1-09-25)

TEACHER AND ADMINISTRATOR

EVALUATION, CONTRACT, AND NONRENEWAL DEADLINES

Note: Administrator is defined as principal, assistant superintendent, and associate superintendent. It excludes the superintendent. See reverse side for superintendent evaluations, contract, and nonrenewal deadlines.

| EVALUATIONS OF TEACHERS AND ADMINISTRATORS | |
|---|---|
| First three years individual holds the position: Two evaluations must be conducted on or before December 15 and April 15. | |
| Fourth year or more individual holds the position: One evaluation must be conducted on or before April 15. <i>NDCC 15.1-15-01(2)</i> | |
| TEACHERS AND ADMINISTRATOR CONTRACT ISSUANCE & RENEWAL | |
| Offering contracts to teachers and administrators currently employed | No earlier than March 1 and no later than May 1. Provide at least 14 calendar days to return contracts. <i>NDCC 15.1-15-04(2)</i> |
| Offering contracts to newly hired teachers and administrators | No deadline in law. Give new hires a reasonable timeframe to consider offer and return the contract (e.g., 10 days). |
| Contract issuance during negotiations | Issuance suspended until negotiations are complete. <i>NDCC 15.1-15-04(4)</i> |
| NONRENEWAL DEADLINES FOR TEACHERS AND ADMINISTRATORS | |
| Notice of contemplated nonrenewal | Must be in writing and no earlier than March 1 and no later than April 15. <i>NDCC 15.1-15-05(1)</i> |
| Nonrenewal hearing deadline | No later than April 21. <i>NDCC 15.1-15-05(1)(b)</i> |
| Notice of nonrenewal decision | In writing and no later than May 1. <i>NDCC 15.1-15-06(10)</i> |
| EXCEPTIONS TO NONRENEWAL DEADLINES FOR PROBATIONARY TEACHERS AND ADMINISTRATORS IN POSITIONS FOR LESS THAN TWO YEARS | |
| Probationary teacher (an individual teaching in your district for less than two years) | After April evaluation is complete, the board meets with the teacher in executive session to discuss reasons for contemplated nonrenewal. Notice of Nonrenewal must be provided no earlier than April 15 and no later than May 1. <i>NDCC 15.1-15-02(4)</i> |
| Administrators employed in that position by a district for less than two years | Provide written notice of nonrenewal decision before May 1. Board shall meet with administrator in executive session to convey reasons for nonrenewal if requested. <i>NDCC 15.1-15-05.1(1)</i> |

SUPERINTENDENT

EVALUATION, CONTRACT, AND NONRENEWAL DEADLINES

| SUPERINTENDENT EVALUATIONS | |
|---|--|
| NDCC 15.1-14-03(1) requires that each school board conduct two evaluations: | |
| <ul style="list-style-type: none"> • On or before November 15 • On or before March 15 | |
| SUPERINTENDENT CONTRACT ISSUANCE & RENEWAL | |
| Contract duration | No more than three years. <i>NDCC 15.1-09-33(25)</i> |
| Renewal deadline | Automatically renews for one year unless board provides notice of contemplated nonrenewal on or before April 15 or superintendent provides written resignation on or before June 1. <i>NDCC 15.1-14-11</i> |
| Offering contract to newly hired superintendent | No deadline in law. Ensure contract of former superintendent has been terminated before issuance. Give new hire a reasonable timeframe to consider offer and return a contract (e.g., 10 days). |
| NONRENEWAL DEADLINES FOR SUPERINTENDENT WITH A DISTRICT LESS THAN TWO YEARS (count only years employed as superintendent) | |
| Notice of nonrenewal | Provide written notice of nonrenewal decision before May 1. Board shall meet with superintendent in executive session to convey reason for nonrenewal if requested. <i>NDCC 15.1-14-12(1)</i> |
| NONRENEWAL DEADLINES FOR SUPERINTENDENT WITH A DISTRICT TWO OR MORE YEARS | |
| Notice of contemplated nonrenewal | In writing and on or before April 15. <i>NDCC 15.1-14-09(1)</i> |
| Nonrenewal hearing deadline | On or before April 21. <i>NDCC 15.1-14-09(1)(b)</i> |
| Notice of nonrenewal decision | In writing and no later than May 1. <i>NDCC 15.1-14-10(8)</i> |
| Questions? Contact NDSBA at 800-932-8791 | |