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**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

APRIL 2022

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

## Learn Everywhere Policy Now Available

During the 67th Legislative Assembly various bills were enacted to enhance educational opportunities for students. One bill that helped pave the way for personalized learning was House Bill 1478. This bill, dubbed the “Learn Everywhere” bill, permits a school board to allow students in grades 6-12 to earn course credit through educational opportunities with an eligible sponsoring entity. Participating students are provided a hands-on learning experience outside the classroom from the sponsoring entity through educational opportunities such as work-based learning, pre-apprenticeships, apprenticeships, internships, industry certifications, and community programs. These learning opportunities are designed to develop a student’s knowledge and skills, give them real life experience, expose them to new career possibilities, and help them better pursue their passions. Students are awarded credit when competencies in course standards are demonstrated and upon fulfilling the mandatory hours set forth in NDCC 15.1-21-03.



Prior to the implementation of this program, local school boards must adopt a policy that satisfies the requirements outlined in NDCC 15.1-07-35 and NDAC 67-19-04. In addition, sponsoring entities interested in providing educational opportunities for students in the district must submit a written proposal to the board for their consideration. NDSBA has prepared policy **GACG, Educational Opportunities Through Sponsoring Entities**, and exhibit **GACG-E, Sponsoring Entity Proposal Application**, both of which are available online and upon request for

Policy Services members.

All sponsoring entity proposals approved by the board must be submitted to NDDPI by **June 1, 2022** to be implemented for the 2022-2023 school year.

Districts are encouraged to contact Joe Kolosky at (701) 328-2755 with questions specific to the “Learn Everywhere” bill or NDSBA at 1-800-932-8791 to request the sample templates.



## NDDPI and NDSBA to Host Board Member Bootcamp

North Dakota School Boards

On July 18, 2022, the North Dakota Department of Public Instruction (NDDPI) and

Association (NDSBA) will once again team up to host a one-day school board member training. The training will be an opportunity for board members to gain information and updates pertaining to current

educational topics. New and veteran board members are welcome. The bootcamp is free and will take place at the state capitol in Bismarck. The registration link can be found at <https://www.ndsba.laventurellc>.



## NDSBA Requesting Clinic Proposals

NDSBA is now accepting proposals for the 2022 NDSBA Annual Convention clinic sessions. The proposal submission form can be found at [www.ndsba.org](http://www.ndsba.org) under QUICK CLICKS.

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 18, 2022.**



# Legal Spotlight

## Individual Board Member Free Speech v. Board Free Speech

by Amy De Kok, NDSBA Legal Counsel

This past month, the US Supreme Court unanimously ruled that an elected school board did not violate the First Amendment by censuring one of its members. The case of *Houston Community College v. Wilson* concerned David Wilson, a school board member, who often disagreed with the board about the best interests of the college, and he brought multiple lawsuits challenging the board's actions. These escalating disagreements led the board to reprimand Mr. Wilson publicly. Mr. Wilson continued to claim the board—in media outlets as well as in several state court actions—was in violation of its ethical rules and bylaws. At a 2018 meeting, the board verbally censured Mr. Wilson stating that his conduct was “not consistent with the best interests of the College” and “not only inappropriate, but reprehensible.” The board imposed additional penalties including deeming Mr. Wilson ineligible to hold board officer positions during 2018. Following these actions, Mr.

Wilson sued the College and its board under 42 U.S.C. § 1983, asserting that the board's censure violated his free speech rights under the First Amendment.

The federal district court granted the board's motion to dismiss the complaint, concluding that Mr. Wilson lacked standing under Article III to assert a claim. On appeal, a panel of the Fifth Circuit reversed, holding that Mr. Wilson had standing and that his complaint stated a viable First Amendment claim. The Fifth Circuit concluded that a verbal “reprimand against an elected official for speech addressing a matter of public concern is an actionable First Amendment claim under § 1983.” The board sought review in the US Supreme Court of the Fifth Circuit's judgment that Mr. Wilson may pursue a First Amendment claim based on a purely verbal censure.

In a unanimous opinion, the U.S. Supreme Court held that Mr. Wilson did not possess an actionable First Amendment claim arising from the board's purely verbal censure. Justice Neil M. Gorsuch, writing for the court, said Mr. Wilson misunderstood the nature of the national commitment to free speech. “In this country,” he wrote, “we expect elected representatives to shoulder a degree of criticism about their public service from their constituents and their peers — and to continue exercising their free speech rights when the criticism comes.” The court did not address the board's other penalties against Mr. Wilson because those punishments were not brought before the Court. In this regard, Justice

Gorsuch wrote: “The only adverse action at issue before us is itself a form of speech from Mr. Wilson's colleagues that concerns the conduct of public office. The First Amendment surely promises an elected representative like Mr. Wilson the right to speak freely on questions of government policy. But just as surely, it cannot be used as a weapon to silence other representatives seeking to do the same.”

Justice Gorsuch further added that historical practices cut against Mr. Wilson's position, writing “[e]lected bodies in this country have long exercised the power to censure their members.” For example, Congress has censured its members not only for objectionable speech directed at fellow members but also for comments to the media, public remarks disclosing confidential information, and conduct or speech thought damaging to the nation. Censures have also proven common at the state and local levels.

This unanimous ruling by the Court was an important decision for public school boards and their ability to control the speech of the board as a whole over the speech of its individual members. Importantly, however, the Court did not address the other actions taken by the board against Mr. Wilson. Our member boards should bear this in mind when addressing the actions of individual board members that contradict or are critical of the board as a whole.

Please contact NDSBA or your district legal counsel for additional information regarding this important decision.

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.

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## NDSBMCP Graduation and Recertification Ceremony

The North Dakota School Business Manager Certification Program (NDSBMCP) graduation and recertification ceremony will be held on Thursday, May 5 from 2-3 p.m. CT at Bismarck State College's National Energy Center of Excellence in the Bavendick Stateroom after the conclusion of the ND Association of School Business Managers (NDASBM) Spring Workshop. Over 20 state business managers will be honored during this time. All are invited to attend and celebrate the students' hard work and dedication. Contact Rebecca Duben at 1-800-932-8791 for more information.



## Business Manager Certification Program Accepting Applications

The North Dakota School Business Manager Certification Program (NDSBMCP)

is now accepting applications for new students to begin courses later this summer. This certification program is a two-year, 61 credit professional development program geared towards new and long-standing business managers. Business managers are provided practical education and training to help them successfully perform their duties and meet statutory and regulatory responsibilities. Students are instructed on twenty foundational courses that are pertinent to their role as a business manager. Instruction topics include:

Introduction to School Finance, Open Meeting and Records, School Law for Business Managers, and School Elections. Courses are taught by superintendents, business managers, school district personnel, and state officials with expertise in specific areas. Course delivery is a mixture of face-to-face, virtual, and online, self-paced.

The NDSBMCP application form can be accessed online at <http://ndsbmcp.org/index.php/handbooks-and-forms/>. Fifteen applicants are needed to start a class so prompt registration is appreciated! Students are encouraged to submit the completed application by July 1, 2022. Even though courses are not scheduled until later this year,

students may begin working on their affiliate credit requirements upon application approval. Prospective students can visit the NDSBMCP website at <http://ndsbmcp.org/> or contact [rebecca.duben@ndsba.org](mailto:rebecca.duben@ndsba.org) for more information on the program.

## 2022 IgniteND Conference



After a break due to COVID, the IgniteND Conference is back and will be held June 6-8, 2022, at Bismarck State College. The event is free to North Dakota school administrators, counselors, and teachers. Teachers can also earn professional development credit through NDSU's Distance and Continuing Education program. This conference is an opportunity for educators and administrators to network and engage on 21st-century topics - including computer science and cybersecurity. If they're aiming to have every student be cyber-educated, this is a great event for them to attend! For more information and registration go to <https://ignitend.com/>.

## Summer Camp Grants Available

North Dakota School Superintendent Kirsten Baesler is inviting schools, agencies and other organizations to apply for \$20,000 in grant assistance to offer academic camps for students during the summer.

The camps will offer academic programs for students, including those who may need to make up instruction they lost during the COVID-19 pandemic.

Among the organizations eligible for an Academic Summer Learning Experience grant are school districts, community groups, city and county agencies, and for-profit and nonprofit organizations. Groups may submit joint

applications. Grants may be as large as \$20,000.

Applications are due by 5 p.m. on Friday, April 29. They may be emailed to [dpischoolapproval@nd.gov](mailto:dpischoolapproval@nd.gov) or mailed to the North Dakota Department of Public Instruction, 600 E. Boulevard Ave., Dept. 201, Bismarck, N.D., 58505-0440. Information about the grant program is on the North Dakota Department of Public Instruction's website.

Potential applicants who have questions may email [dpischoolapproval@nd.gov](mailto:dpischoolapproval@nd.gov) or call program administrator Arlene Wolf at 701-328-2295.



### Human Resource Collaborative Conference

April 20-21, 2022  
Ramkota Hotel, Bismarck

### IgniteND Conference

June 6-8, 2022  
Bismarck State College, Bismarck

### 2022 Governor's Summit on Innovative Education

June 9, 2022  
Dickinson Middle School, Dickinson

### Board Member Bootcamp

July 18, 2022  
State Capitol, Bismarck

### 2022 NDSBA Annual Convention

October 27-28, 2022  
Ramkota Hotel, Bismarck



### Elgin/New Leipzig School District

Contact: Saul Maier  
Email: [saul.maeir@k12.nd.us](mailto:saul.maeir@k12.nd.us)  
Website: <http://www.gcs.k12.nd.us/employment-opportunities/>  
Deadline: April 29, 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](mailto:tim.tharp@k12.nd.us) or [leah.zook@k12.nd.us](mailto:leah.zook@k12.nd.us)  
Website: [www.golva.k12.nd.us](http://www.golva.k12.nd.us)  
Deadline: until filled  
Position Begins: July 1, 2022



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