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Excellence in North Dakota public education through local school board governance ■ VOL XLVIII ISSUE 2

2023 Legislative Halftime Update

By Alexis Baxley, NDSBA Executive



On January 25, 2023, school board members Lynn Carlson, Finley/Sharon School District; Amanda Petrick, Elgin/New Leipzig School District; Ty Dressler, Richardton/Taylor School District; and Josh Ruffo, Turtle lake/Mercer School District were among those who testified in opposition to HB 1251.

The 68th Legislative Assembly of the State of North Dakota is nearing the end of the first half of legislative session. All bills and resolutions must be acted upon their side of origin and sent over to the other side of the hall, in what is known as “Crossover,” by Friday, February 24. It has been an interesting first period. Much has changed since the previous session: new leadership, new committees, brand new committee chairs, and a larger number of freshmen legislators than usual. All of these changes seem to have slowed the start a little. At the time of publication, hallway chatter indicated that the Senate hoped to wrap up by Wednesday and the House by Thursday. However, both bodies were behind the pace necessary to meet those goals. House leadership has already indicated that debate would need to become briefer or two-a-day floor sessions would be in order. Alas, it is not clear that the message was taken to heart: as I write this the House is in its twentieth minute of debating amendments to a tarping bill that has been soundly defeated every session since at least 2011.

Pace problems are partially owed to

legislators being particularly prolific. A total of 961 bills and resolutions were introduced this session. While that total is short of the 1,000 predicted in the early days of the session, it does surpass the total in 2021. Furthermore, legislators seem more prone to pass bills than ever before: of the 961 bills introduced only 118 have been defeated thus far for a 12.2 percent rate of failure. This is far below the 2021 rate of just over 42 percent. This means that both bodies (and lobbyists) will have far more work waiting for them in the second period.

On a positive note, the first bill of the session to pass both bodies and be signed by the Governor was HB 1199. This bill provides Bank of North Dakota borrowing authority to career academies and appropriates \$2 million to NDCTE to cover interest on previously authorized career center projects. NDSBA testified in support of this bill.

The total amount of bills NDSBA is tracking is 141 bills or resolutions of primary importance. Just like the overall passage rate has been higher than usual, so too has been the case for the bills NDSBA has been working on.

Bills that were defeated in their body of origin include:

- HB 1251, a bill that would have required school districts with less than 475 students to jointly employ a superintendent and limit their compensation
- A number of bills that would have significantly impacted how school districts handle elections
- A bill requiring a school district to adopt a preliminary budget by July 10th of each year and refer the budget to a vote of the people
- A number of bills that would have reduced or limited taxable valuations or created significant property tax exemptions
- A bill that would allow paid family medical leave program
- A bill requiring school districts to include funds allocated for future repair and maintenance in an initial construction bond
- A bill that changed the threshold required to issue a bond to thirty percent of all qualified electors (not just those voting)

The list of active bills that NDSBA

Continued on page 3



Legal Spotlight

How to Handle Patron and Personnel Complaints

by Lexie Bergstrom, NDSBA Staff Attorney

A common question our members have been asking recently is how to handle complaints from patrons, specifically complaints about school personnel. Individual board members generally do not have the authority to resolve patrons' complaints. Rather, when a complaint is made to an individual board member or the board as a whole, it should be referred to school administration for handling at the lowest level of authority possible. This article discusses how these complaints may generally be resolved in an effective, efficient, and timely manner while maintaining a positive working and learning environment for all staff and students.

Patron Complaint Procedure, in General

All patron complaints received by the Board or individual board members should first be referred to the school administration. If the complaint is not satisfactorily remedied at the building level, the matter may be referred to the superintendent for investigation.

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The superintendent should complete the investigation within a reasonable deadline in accordance with any applicable deadline in law or policy. If all other remedies have been exhausted, a complainant may request that the matter be placed on the agenda of the next regular school board meeting; however, the board should not hear, consider, or act upon complaints that have not been investigated at each appropriate level of authority, nor should the board hear, consider, or act upon complaints for which specific complaint resolution procedures have been established that do not allow for board review of the complaint, including complaints about personnel. Also, in receiving such a request, the Board may need to consult any policy regarding pre-meeting agenda preparation requirements.

Personnel Complaint Procedure

Personnel complaints include teacher misconduct, bad treatment from school administrators, school personnel targeting a student, and other problems involving school employees. Generally, board policy provides that a personnel complaint must be filed within 180 days of the alleged occurrence unless other district policy states otherwise. If a complaint about personnel cannot be satisfactorily resolved at the lowest level of authority or if circumstances make it inappropriate to handle at that level, the complaint should be directed to the building principal or other supervisor directly responsible for supervision of the employee or possibly to the superintendent. The supervisor should investigate the complaint and promptly notify the employee if the complaint is to be placed in the employee's personnel file. The decision to place information into any personnel file should be made by the administration based on the results of an inquiry or investigation and in accordance with any applicable document retention policy. The supervisor should then schedule a meeting with the employee, the complainant, and/or the supervisor if deemed appropriate. The supervisor should provide a response to the complainant within 60 days of receipt

of the complaint. Upon conclusion of the investigation, the complainant is informed as to the outcome of the investigation and the disposition of the complaint to the extent appropriate. If either party is dissatisfied with the handling of the complaint, the matter may typically be appealed to the superintendent for final resolution. Board members should refer individual's complaints about school district personnel to the superintendent or designee for handling, at which point established procedures will be followed. Complaints about the superintendent or business manager should be directed to the board president, who is responsible for conducting the investigation and making a recommendation based on the outcome of the investigation to the board for final action. The board president may generally retain an attorney or consultant to assist with the investigation process. If disciplinary action is deemed warranted at the completion of the investigation, the district should take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and/or law enforcement officials.

Please note: Districts have separate investigation procedures for complaints of harassment and/or discrimination. Therefore, even if a complaint is against personnel, if the complaint involves an allegation of harassment or discrimination, that complaint should be dealt with using the district's harassment and discrimination grievance policy, not the above-mentioned procedures. It is important for districts to have policies in place detailing how to manage general complaints, as well as complaints against school personnel so as to reduce potential libel and slander risks and to establish channels of communication between the staff and administration. Further, such policies retain the impartiality of the board and maximize compliance with applicable law. Please contact NDSBA for additional information regarding our template policies relating to complaints.

Legislative Halftime Update

is still tracking is much longer. A few significant bills that remain include:

- SB 2328, which changes weighting factors for rural school districts
- Bills effecting the Public Employees Retirement System (PERS)
- Bills requiring campaign finance reports from candidates for school board
- SB 2284, the bill that includes the per pupil payment amount
- SB 2066 a property tax relief bill that significantly changes the K12 funding formula

It is likely that a few more bills will be defeated on the floor before Crossover. The legislature is constitutionally limited

to 80 legislative days. A day is only considered a “legislative day” if both bodies conduct floor sessions. April 28 is scheduled to be day 80, but if the legislature opts to conduct a few workdays before or after crossover without gaveling into floor session that date could change. Please continue to watch for time-sensitive action alerts via email; we may call on you again before the session is over to boost our impact. Your emails to legislators have been very powerful, particularly on HB 1251. Legislators do listen, and they have appreciated hearing from their local board members more than usual. The Friday legislative updates are

Continued from page 1

the best way to keep track of what is happening at the Capitol. Contact Taylor at 1-800-932-8791 to update your email address if necessary to receive them. NDSBA will also provide a Legislative Wrap Up at our May Brunch & Learn on Wednesday, May 17. Watch your email for sign up information.

By the way – that tarping bill I mentioned in the first paragraph? The amendments proposed by the committee were defeated, and after another twelve minutes of debate, the bill was defeated yet again. Some things change; some things stay the same.



Book Rooms for 2024 Annual Convention

NDSBA's 2024 Annual Convention will take place on Thursday, October 25.

The Bismarck Hotel started taking sleeping room reservations for the 2024 Annual Convention on January 3, 2023. Call the Bismarck Hotel at 701-258-7700 to secure your room early.



NDSBMCP March Training for First and Second Year Students

Registration for the *Budget, Budget Forecasting and School Accreditation and School Law for Business Managers* for first year students and *Bidding, Purchasing, and Inventory and Human Resources II* for second year students is open. The classes will be held on March 14, 2023, at the Bismarck Career Academy.

Interested business managers can learn more about these courses by going to the NDSBMCP website at www.ndsbmcp.org and clicking on the NEWS tab or by calling the NDSBA office at 1-800-932-8791.

March Finance Training Webinar Series

The North Dakota School Boards Association will host a month-long webinar series dedicated to finance training for school board members. If you've ever wanted to dive deeper than Finance 101, this is the series for you. Below you will find a list of topics that will be covered each Thursday at 6:00 p.m. CT during the month of March.

- **March 2:** Understanding Financial Reports – Darin Scherr, Bismarck Public Schools
- **March 9:** School District Mill Levies and Funds – Dr. Paul Stremick, Dakota Leadership Solutions
- **March 16:** Budgeting for Success – Brandt Dick, Central Regional Education Association
- **March 23:** Purchasing & Bidding for

School Districts - Brandon Baumbach, Grand Forks Public Schools

- **March 30:** Amy De Kok, NDSBA General Counsel

The cost (for the series) per individual is \$85 or \$300 for district-wide access. Each week prior to the webinar, an email with the Zoom information will be sent to registrants. Registration for the webinar series can be found at: <https://www.ndsba.laventurellc.com/webseries.financetraining>

After each week's webinar, information on accessing the recordings, presentations, and materials will be emailed. Contact Taylor Lassiter at taylor.lassiter@ndsba.org with any questions.



Legislative Updates

Updates from the 2023 Legislative Session will be sent to

NDSBA members weekly by email. If you have not been receiving emails from NDSBA, please contact Taylor at taylor.lassiter@ndsba.org to ensure we have the correct email address on file.



Election Deadlines

North Dakota election laws are specific regarding dates and deadlines. Relevant

election law is found in NDCC 15.1-09. Election deadline information and a sample calendar were included in the January *Bulletin* and are posted on NDSBA's website under QUICK CLICKS.

Superintendent Evaluations

North Dakota law requires that a school board complete the superintendent's evaluation **ON OR 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.

A sample evaluation form is available on NDSBA's webpage under RESOURCES.



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Anamoose School District

Contact: Stacy Bruner
Phone: 701-465-3732
Email: stacy.bruner@k12.nd.us
Application: Letter of Application,
Resume, and Three Letters of
Reference
Deadline: TBD
Position Begins: July 1, 2023

Fairmount School District – Part-Time Superintendent

Contact: Amy Gebro, Jay Townsend
Phone: 701-701-474-5469
Email: amy.gebro@k12.nd.us, jay.townsend@k12.nd.us
Website: <https://www.fairmount.k12.nd.us/>
Deadline: February 28, 2023
Position Begins: July 1, 2023

New England School District

Contact: Alexis Baxley
Phone: 701-255-4127
Email: alexis.baxley@ndsba.org
Website: www.ndsba.org
Deadline: February 24, 2023
Position Begins: July 1, 2023

North Star School District

Contact: Nancy Resier
Phone: 701-968-4416
Email: Nancy.reiser@k12.nd.us
Website: <https://northstarnd.sites.thrillshare.com/>
Deadline: Open Until Filled
Position Begins: July 1, 2023



2023 NDSBA Annual Convention

October 26-27, 2023
Bismarck Hotel, Bismarck