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NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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Excellence in North Dakota public education through local school board governance ■ VOL XLVIII ISSUE 8

2023 NDSBA Annual Convention Keynotes Announced

Thursday Afternoon, October 26

Keynote Speaker: Paul Allen

Our Thursday afternoon speaker comes to us from our neighbor state to the east. Many of you may know him as the voice of the Minnesota Vikings. He is legendary sports commentator, Paul Allen.



Paul Allen

Paul has been a Minnesota Vikings commentator, calling their play-by-plays and coming up with phrases like the “Minnesota Moving Company,” since 2002. He has been a prominent voice of the Twin Cities KFAN station since 1998, where he hosts his sports radio show #92Noon. Paul has also called horse races in Canterbury Park in Shakopee, Minnesota since 1995, and before that, all throughout the United States.

In his keynote, Paul will share his life experiences, the practiced habits it took to become a celebrated announcer, and what he has learned about leading teams (the one on the field, the one in the box, and the ones listening across the nation). His presentation will

include never before heard stories and entertaining visuals to go with it. His perspective on leadership and working as a team unit will leave you ready to tackle problems mighty and miniscule.

Friday Morning, October 27

Keynote Speaker: Jaime Vollmer

If you were a school board member and at our Annual Convention in 2015, then you may remember a speaker by the name of Jamie Vollmer. We are excited to welcome him back to



Jaime Vollmer

North Dakota to kick off our second day. Once a harsh critic of America’s public schools, over the last thirty years he has become a defender and promoter of public education, working with educators, parents, business and community leaders to remove the obstacles to student success. Jamie is the author of the book, **Schools Cannot Do It Alone**, proclaimed by the American School Board Journal to be one of the “*Top ten books of the year.*” He received the *Learning and Liberty* award from the National School Public

Relations Association in recognition of his success in strengthening school/ community partnerships.

In his keynote, *Rallying Support: How to cultivate allies and strengthen partnerships during “interesting times.”* Jamie will focus on the premise that public trust is public education’s most precious resource and a prerequisite for meaningful progress. Jamie acknowledges that the public has become an increasingly misinformed and fractious group. He describes how teachers, administrators, and board members can change – for the better – the way the people of their communities think and act toward their schools by presenting us with a series of steps to build public trust.

Jamie will provide every audience member with a copy of his powerful poster, *The Ever-Increasing Burden on America’s Public Schools: 120 years of mandates* and will conclude by making the case that everyone in the community benefits when they support their public schools.

We look forward to another terrific Annual Convention, and we hope to see you there! Registration opens on August 28; see page three for more information on registration details.

NDSBA Now Accepting Barb Norby Scholarship Nominations

NDSBA will once again award the Barb Norby Scholarship to one North Dakota school board member who has demonstrated exceptional board service and commitment to their district. The scholarship recipient will receive the following year’s registration and an expense allowance for a school board members’ national conference of their choosing. These events are outstanding professional development and networking opportunities for new and veteran board members alike.

If you would like to nominate a board member for this award, please email a short paragraph describing why your nominee is deserving to Alexis at alexis.baxley@ndsba.org by Thursday, September 28.

The Barb Norby Scholarship Award was created by the NDSBA Board of Directors in tribute to Barb Norby’s valuable service to the association.



Legal Spotlight

Dealing With Conflict of Interest

by Lexie Bergstrom, NDSBA Staff Attorney

As newly-elected school board members were seated last month, now is a good time to discuss common legal issues members deal with during their service: conflicts of interest. At school board meetings, board members have a duty to vote unless there is an applicable statute that would require or permit abstention. If a board member has a personal, professional, or pecuniary interest in a matter before the board, it is considered a conflict of interest and may require them to abstain from voting. Conflicts often arise when, for instance, a board member has a familial relationship with staff in the district, or when a board member is a business owner and provides or wants to provide work to their district. North Dakota Century Code sections 15.1-07-17 and 44-04-22 govern conflicts of interest. These statutes and the procedure for addressing potential conflicts are discussed below.

Section 15.1-07-17 is the primary

conflict of interest provision applicable to school board members. Under NDCC 15.1-07-17, a school board member who has a conflict of interest in any contract requiring the expenditure of school funds must disclose the conflict to the board. For purposes of this section, a conflict of interest means the personal, professional, or pecuniary interest of an individual, the individual's spouse or relative, or the individual's business or professional associate. A member with a conflict may not participate in any discussions or votes regarding that contract without the consent of all other board members. If the board member votes without disclosing the conflict, they are guilty of a class A misdemeanor. A common example of this type of conflict is when a board member has a relative who is a teacher in the district and the board and teachers are engaged in negotiations of the master contract. That board member has a conflict under section 15.1-07-17 because their relative has a professional and pecuniary interest in the master contract being negotiated. The board member must disclose the conflict and may not participate in any discussion or vote regarding negotiations unless and until the board member receives the consent of all remaining board members. NDCC 15.1-07-17 applies solely to school board members and will apply in most circumstances where a potential conflict of interest exists.

Conversely, NDCC 44-04-22 has a broader application in that it applies to any person acting in a legislative or judicial (or quasi-legislative or quasi-judicial) capacity for a political subdivision (e.g. a public school district). If such a person has a direct and substantial personal or pecuniary interest in a matter before their board, they must disclose the fact to the body of which they are member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body. An example of a situation where section 44-04-22 would apply is when a board member's

child, who is a student in the district, is recommended for expulsion and the board is acting as the hearing officer for the expulsion hearing. The decision of whether a student should be expelled would be considered at least a quasi-judicial decision. Whether a conflict of interest exists under either provision will depend on the particular circumstances and will need to be determined on a case-by-case basis.

It is important to note that the mere appearance of impropriety or potential conflict of interest is not sufficient to abstain from voting. In other words, a board member may not recuse themselves from voting simply because they feel uncomfortable doing so. In the event a board member does not vote when they are obligated to do so, their non-vote gets counted toward the majority. Accordingly, if the majority votes "yes", the non-vote becomes a "yes" vote, as well.

So, what should you do if you think you have a conflict? First, if a clear conflict exists, you should let the business manager know so that it can be added to the agenda prior to the agenda item under which the conflict arises. This will allow the board member to disclose the conflict and the board vote on the member's participation prior to the issue being considered. If the board votes to allow the board member to participate, the board member must participate. If the board does not consent, the board member may not participate in the discussion or influence the vote in any manner, and they are not allowed to participate in the vote. If a member is properly abstained from voting, they are noted as present, abstained (i.e., not an aye or a nay). If a conflict is not clear, the board may want to seek assistance from its legal counsel on the proper course of action.

When faced with a potential conflict of interest, NDSBA generally takes the position that disclosure is the best way to avoid possibly breaching your duty as a school board member.

Please feel free to contact NDSBA for further information regarding this topic.

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2023 NDSBA Convention Registration

Registration for the 2023 NDSBA Annual Convention will **open ONLINE ONLY on Monday, August 28.**

Here are some tips to ensure registration success:

- On August 28, business managers and superintendents will receive an email notifying them that registration has opened. This email will include registration and instructions on how to calculate the number of delegates your district is allowed.
- ONE person from each district - likely the business manager - should complete registration for **all district attendees** in order to avoid duplicate registrations.

Board members should NOT register themselves without talking to their business manager first.

- Registrations must be completed by FRIDAY, OCTOBER 13 in order for delegates to be able to vote at the Delegate Assembly. This is also the deadline for naming alternates.
- Early bird registration fees will be available until October 13. The fees will increase on October 14.
- Registration for the New Member Seminar and School Law Seminar will be included in online registration options.
- Your district will have the option to pay by check or with credit card – one transaction per district,

please.

- Please note that our website is undergoing changes and you will not receive a confirmation email immediately as in the past. A form of confirmation will be emailed to you within the days following your registration. Please confirm that the information in your registration is correct before submitting as that is how your nametag will be printed. If you have questions, please contact Taylor at 800-932-8791 or taylor.lassiter@ndsba.org. Call NDSBA if you have any questions. A staff member will be able to walk you through the process if you need assistance.

Business Managers: Grow Your Skills

Whether you are a veteran business manager or new to the position, the North Dakota School Business Manager Certification Program (NDSBMCP) will be holding fall courses for those interested in professional growth; strategies to increase skills/proficiencies; gaining knowledge of duties as defined in law; networking opportunities with

top professionals; and elevating the status of your occupation. All courses involve your duties as a business manager and are taught by top professionals. We want you to succeed and will go to extraordinary lengths to accomplish that.

The first set of courses for new students will take place on October 5th and 6th at the Bismarck Career Academy in

Bismarck. Application forms to enter the program and start courses this fall are available online at <https://www.ndsbmcp.org/wp-content/uploads/2023/06/Applicationform.pdf> and will be accepted through **September 15th**. For more information on the program, please contact Patty VerDouw at 800-932-8791 or patty.verdouw@ndsba.org.



Convention Reminders

Committees

NDSBA is still looking for board members to serve

as convention committee members. Please fill out the form at <https://forms.gle/PZHEfMMTDLQwYhJy7> as soon as possible if you would be willing to serve on the Credentials or Ballot Counting committees.

2023 NDSBA Board Member Service Awards

A copy of a qualifying board member's points form must be received in the NDSBA office by Friday, September 22, for board members to be recognized at the

2023 Annual Convention. Forms are available under "Resources" on the NDSBA website. Also available on the webpage is a spreadsheet that may be useful to record board members' yearly activities.

When 100 or 200 points have accumulated, the form should be submitted to NDSBA, 1224 West Owens Avenue, Bismarck, ND 58501 or by email to Taylor Lassiter.

Convention Rooms

If you have sleeping rooms reserved at the Bismarck Hotel for the 2023 NDSBA Annual Convention, you must give them a specific name for each reserved room by October

2 or the rooms will be released. Contact Bismarck Hotel reservations at (701)258-7700.

Convention Delegate Designation

Convention delegates and alternates must be clearly noted on the district's registration form, which must be received in the NDSBA office no later than October 13 in order to vote at Delegate Assembly. Only those registered as alternates **BY THIS DEADLINE** will be allowed to substitute for a registered delegate.



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2023 NDSBA Annual Convention

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