



# bulletin



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

FEBRUARY 2024

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

## Negotiations Seminar 2024

The 2024 NDSBA Negotiations Seminar was held on February 1-2, 2024, at Bismarck State College's National Energy Center of Excellence in Bismarck. Two pre-conference sessions were held on Thursday, February 1, that addressed employee investigations and negotiation basics. Following the pre-conference sessions was a social sponsored by the North Dakota Public Health Insurance Trust. The Negotiations Seminar on Friday, February 2, featured a new format that included an opening session with statewide updates on the Teacher Retention Task Force, the proposed property tax measure, and the School Finance Task Force; concurrent sessions on administrator negotiations, J-1 visa teachers, employee benefits



strategies, negotiations scenarios, and non-certified staff negotiations; and a general session focused on the benefits of trust when it comes to

negotiations. The seminar materials will be made available to paid registrants. Thank you to all who attended!

## Elections Reminders and Tips: Volunteers Needed to Help

As elections draw near, volunteers need to be recruited to serve as election workers to ensure polling locations are open for voters to successfully cast their ballots. Election workers need to be at least 16 years old, a U.S. citizen, and a resident of the school district. They help set up and prepare the polling location, welcome and check in

voters, issue ballots, and help close the polls at the end of election day.

If you or someone you know is interested in volunteering for the June 11 primary election, contact your local county auditor to sign up. Those interested in helping with their local school board elections should contact the school business manager to volunteer.

The North Dakota Secretary of State is the trusted source for election information. If you have questions, visit [vote.nd.gov](http://vote.nd.gov), email [soselect@nd.gov](mailto:soselect@nd.gov), or call 701-328-4146.

NORTH DAKOTA  
**SECRETARY OF STATE**



## Book Rooms for 2025 NDSBA Annual Convention

NDSBA's 2025 Annual Convention will take place on October 9-10, 2025, at the Bismarck Event Center.

Scan the QR code or go to <https://www.ndsba.org/wp/ndsba-events/annual-convention/> to view the hotels with a NDSBA room block reserved for the 2025 NDSBA Annual Convention to make your district's booking. Please contact [taylor.lassiter@ndsba.org](mailto:taylor.lassiter@ndsba.org) with any questions.





# Legal Spotlight

## School Board Candidates: Eligibility and the Application Process

by Lexie Bergstrom, NDSBA Staff Attorney

Every North Dakota school board is required to hold an election each year between April 1 and June 30 to fill all vacancies. In addition to the annual election, a school district may hold a special election at any time for any lawful purpose, if approved by the school board. When it comes to filling vacancies, not just anyone can serve as a school board member. There are specific guidelines for school board candidate eligibility, as well as for the application process. This article will discuss those guidelines.

An individual who is a qualified elector of North Dakota may serve as a school board member for the school district in which the individual resides.

To qualify as an elector, an individual must be:

- A citizen of the United States;

- Eighteen years or older;
- A resident of North Dakota; and,
- A resident who has resided in the precinct/district at least thirty days immediately preceding any election.

Additionally, an individual residing on a military installation is deemed to be a resident of a school district if the school district admits students from the military installation.

It should also be noted that there is nothing in North Dakota law that prohibits a current school district employee from running for the board of the district in which they are employed. However, if an employee is elected to the board, the employee may have to make a choice between the two positions if the positions are incompatible. Whether a particular employment position and board service in a district are incompatible will depend on the functions and duties of the positions. The ND Supreme Court has already determined that employment as a teacher and serving on the board in the same district is incompatible. In reaching that decision, the court stated that “two offices or positions are incompatible when one has the power of appointment to the other or the power to remove the other, and if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment.” Under this analysis, other contractual, certified positions such as superintendent, principal, and school counsellor would likely be incompatible with board service as well.

A qualified elector who wishes to run in an election for an open school board position must submit a signed Statement of Intent (or Affidavit of Candidacy) that indicates their name and the position they are filing for as well as a Statement of Interest. In addition to the Statement

of Interest and the Statement of Intent, a candidate for the board of a district with a fall enrollment of 1,000 students must also comply with the requirements of NDCC 16.1-08.1-02.3 relating to reporting of campaign contributions. These documents must be filed and in the possession of the school business manager by 4:00 p.m. on the 64th day before the election.

If the school business manager receives filing documents from a candidate that does not appear to meet the eligibility requirements to sit on the school board, the business manager may contact the candidate and explain the eligibility requirements. The candidate may choose to withdraw their interest and should do so by signing a written statement to that effect and provide the statement to the business manager. If the candidate chooses not to withdraw their interest, the business manager should include the candidate’s name on the ballot. Eligibility will ultimately be determined when the election is completed, and the results are declared.

If a candidate decides to withdraw from participation in the election for any reason, they may do so by providing notice to the school business manager before the preparation and printing of the ballot. A signed, written statement witnessed by the business manager to this effect is recommended. If the candidate provides this notice before the preparation and printing of the ballot, the candidate’s name may be excluded from the ballot at the time of preparation and printing. If the notice is provided after the ballot is prepared and printed, then the candidate’s name must remain on the ballot.

The number of positions open on a school board each year and the length of the positions term varies by school district. This information can be obtained by contacting the school

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## ■ Legal Spotlight

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district superintendent or business manager. Per state law, the board of a school district must be composed of five, seven, or nine members. The term of each elected member of a school board is three years, except when the member is completing the unexpired term of another. A school board may, by resolution adopted by a majority of its members, change the terms of office for its members from three to four years. In that case, the

members' terms must be staggered and must expire in even-numbered years and thus, only necessitating an election to fill vacancies every other year.

When a new school board member is elected, that member's term begins at the start of the annual meeting of the board in July, following the member's election and continues until a successor is elected and qualified or immediately following the appointment

or special election of that member. Every elected member must take an oath of office as prescribed for all elected officials in North Dakota. NDSBA has an elections handbook with more information regarding school board candidates and school district elections. Please feel free to contact NDSBA for additional information regarding this topic.

## Register Today | HR Collaborative for Local Government's Conference

The 2024 Resilient HR conference is happening April 17-18, 2024, at the Bismarck Hotel and Conference Center (Bismarck, ND). This conference is designed to support employees within your entity who perform human resource management responsibilities, and all local government employees are welcome to attend.

To register, go to [www.NDIRF.com](http://www.NDIRF.com)>HR Collaborative>2024 Conference Registration.

This year's conference will feature keynote speaker Jackie Stebbins, lawyer, mother, wife, and autoimmune encephalitis survivor, who will kick it off with a powerful message about resilience.

Led by subject-matter experts, the conference's breakout sessions will discuss emerging and trending human resource management topics,



including mental health, attracting workforce, employee retention, AI and more! This conference will also include the popular Building Your HR System series to help you refresh your knowledge on public processes and human resource management topics.

To view the latest agenda, go to [www.NDIRF.com](http://www.NDIRF.com)>HR Collaborative>2024 Conference Registration>Agenda.

Please note: this agenda is subject to change.

If your entity is an NDIRF member, your employee rate schedule for conference registrations submitted on or before March 31, 2024, is:

- First registration is FREE (\$199 value!)
- Second and third registrations are 50% off (\$99/person)
- All subsequent registrations are 25% off (\$149/person)

All registrations submitted after March 31, 2024, will be charged \$199.

If your entity is not an NDIRF member, the general registration cost is \$249.

If you have a question for the HR Collaborative, please contact [HRCollab@ndirf.com](mailto:HRCollab@ndirf.com). You can also learn more about the HR Collaborative at their new home at [www.NDIRF.com](http://www.NDIRF.com)>HR Collaborative.

## 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.



## 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.



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Twitter &  
Facebook!



Follow us at [@ndschooboards](https://twitter.com/ndschooboards) (Twitter) and [North Dakota School Boards Association](https://www.facebook.com/ndschooboards) (Facebook) for event, policy and other education-related updates.



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Bismarck, ND 58501

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58563

## superintendent vacancies

### **Bowman County School District**

Debbie Bucholz  
701-523-3283

[debbie.bucholz@k12.nd.us](mailto:debbie.bucholz@k12.nd.us)

Deadline: February 15, 2024  
Position Begins: July 1, 2024

### **Flasher School District**

Alexis Baxley  
701-255-4127

[alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)

Deadline: February 19, 2024  
Position Begins: July 1, 2024

### **Litchville-Marion School District**

Cindy Vogel  
701-762-4245

[cindy.vogel@k12.nd.us](mailto:cindy.vogel@k12.nd.us)

Deadline: February 19, 2024  
Position Begins: July 1, 2024

## mark your calendar

### **2024 COSSBA Annual Conference**

February 22-25, 2024  
Hilton Anatole, Dallas, TX

### **2024 NSBA Annual Conference**

April 6-8, 2024  
Ernest N. Morial Convention Center,  
New Orleans, LA

### **2024 HR Collaborative Conference**

April 17-18, 2024  
Bismarck Hotel and Conference Center,  
Bismarck

### **2024 NDSBA Annual Convention**

October 24-25, 2024  
Bismarck Event Center, Bismarck

### **2025 NDSBA Annual Convention**

October 9-10, 2025  
Bismarck Event Center, Bismarck

## **PRIMARY RESIDENCE**

PROPERTY TAX CREDIT

**NORTH DAKOTA HOMEOWNERS  
MAY RECEIVE UP TO A \$500 TAX  
CREDIT.**

- CREDIT REFLECTED ON NEXT YEAR'S PROPERTY TAX STATEMENT
- NO AGE OR INCOME RESTRICTIONS
- PROPERTY MUST BE PRIMARY HOME
- ONLY ONE CREDIT PER HOUSEHOLD

**APPLY BY MARCH 31, 2024 AT  
[TAX.ND.GOV/PRC](https://tax.nd.gov/prc)**

