

STATE BOARD OF PUBLIC SCHOOL EDUCATION
MINUTES OF MEETING
September 16, 2019

Members of the State Board of Public School Education met in the Peace Garden Room, State Capitol, Bismarck, North Dakota, Monday, September 16, 2019, beginning at 9:04 a.m. The meeting was called to order by Dr. Brian Duchscherer. The following State Board members were in attendance for the meeting:

Dr. Brian Duchscherer
Ms. Sonia Meehl
Mr. Jeff Fastnacht
Mr. Josh Johnson
Dr. Steven Holen
Superintendent Kirsten Baesler

Absent: Ms. Maria Effertz Hanson

APPROVAL OF MINUTES

Superintendent Baesler moved that the minutes of the July 15, 2019 meeting be approved. Mr. Fastnacht seconded the motion. Motion carried unanimously.

It was noted that Jodi Johnson, County Superintendent of Schools for Ward County, was not in attendance at the meeting. A motion was made by Superintendent Baesler to table agenda items #2 and #3 and proceed to agenda item #4 until Johnson could be contacted to see if she was planning to attend. The motion was seconded by Mr. Fastnacht. Motion carried unanimously.

REA AUDIT PRESENTATIONS

- a) MDEC – Luke Schaefer presented the audit for the former MDEC and reported that there were no irregularities found in either the FY 17 or the FY 18 audits.
- b) MREC – Luke Schaefer presented the audit for the former MREC and reported that there were no irregularities found in either the FY 17 or FY 18 audits. Schaefer further

reported that the MDEC and MREC had merged into one REA, the Central Regional Education Association (CREA) and that he was the executive director of that entity.

Motion made by Mr. Fastnacht to approve the reports from Mr. Schaefer on behalf of both the MDEC and MREC. Dr. Holen seconded the motion.

Result of roll call vote:

Mr. Johnson – aye

Dr. Holen – aye

Mr. Fastnacht – aye

Ms. Meehl – aye

Superintendent Baesler – aye

Dr. Duchscherer – aye

Motion carried unanimously.

c) SEEC – Kyle Davison presented the audit for SEEC. Mr. Davison addressed three irregularities from the SEEC audit with the Board and reported that they had all been resolved.

Motion made by Superintendent Baesler to approve the report from Mr. Davison on behalf of SEEC. The motion was seconded by Ms. Meehl.

Result of roll call vote:

Ms. Meehl – aye

Superintendent Baesler – aye

Mr. Fastnacht – aye

Dr. Holen – aye

Mr. Johnson – aye

Dr. Duchscherer – aye

Motion carried unanimously.

d) RRVEC – Janet O'Hara presented the audit for RRVEC. Ms. O'Hara reported that no irregularities were found in the audit.

Motion made by Superintendent Baesler to approve the report from Ms. O'Hara on behalf of RRVEC. The motion was seconded by Mr. Fastnacht.

Result of roll call vote:

Superintendent Baesler – aye

Dr. Holen – aye

Ms. Meehl – aye

Mr. Johnson – aye

Mr. Fastnacht – aye

Dr. Duchscherer – aye

Motion carried unanimously.

e) NESC – Jennifer Carlson presented the audit for NESC. Ms. Carlson reported that there had been one irregularity found on the audit but that it was resolved right away.

Motion made by Superintendent Baesler to approve the report from Ms. Carlson on behalf of NESC. The motion was seconded by Mr. Johnson.

Result of roll call vote:

Mr. Fastnacht – aye

Ms. Meehl – aye

Superintendent Baesler – aye

Dr. Holen – aye

Mr. Johnson – aye

Dr. Duchscherer -aye

Motion carried unanimously.

Discussion regarding interpretation of the REA audit review process and whether future audit results needed to be presented in person. It was discussed that possibly a standard should be in place regarding the content of the audit report. Discussion as to whether a template should be put together with standard questions for future audit presentations. Superintendent Baesler asked board members to send their suggestions on questions or elements for the template to Board Chair, Dr. Duchscherer or Caryn Woodstead, NDDPI, for compilation.

Dr. Duchscherer asked Caryn Woodstead to read an email received from Jodi Johnson, County Superintendent of Schools for Ward County, indicating that she would not be

attending the meeting and that she had no objection to the board addressing and acting on the annexations on the agenda.

Meeting recessed at 10:05 am.

Meeting reconvened 10:21 am.

Superintendent Baesler introduced the board to Caryn Woodstead, new employee at NDDPI and the person who will be providing administrative support to the State Board of Public School Education, as well as to the Assessment Office and the K-12 Education Coordination Council. Dr. Duchscherer took that opportunity to apprise the board of changes in the timeline of the first meeting of that council since the Board had set the date for the first meeting and it did not happen on that date. Superintendent Baesler gave a brief background as to why there was a delay with the first meeting of the K-12 Council and reassured the Board that their directive was not being ignored

A motion was made by Ms. Meehl to bring agenda items #2 and #3 back to the table. The motion was seconded by Mr. Fastnacht. Motion carried unanimously.

REVIEW OF RECORD, DISCUSSION AND ACTION ON THE MOGUS ANNEXATION:

The State Board members reviewed the Findings of Fact, Conclusions of Law, and Order completed by the Williams County Reorganization Committee, for the annexation of a part of Williams County School District #8 to Nesson School District #2 (Mogus petition). Discussion was held concerning deletion of #3 in section O of the State Board of Public School Education Board's proposed Findings of Fact, Conclusions of Law and Order regarding the least amount of land taken and adding in additional factors the Board finds relevant in making its decision. A motion was made by Ms. Meehl to approve the Mogus annexation of a portion of the Williams County School District #8 to Nesson #2 based on the following Findings of Fact:

1. No opposition from land owners affected by this annexation or from Williams County District #8

2. The per-student taxable valuation is reasonable
3. This annexation passed at the county level with a vote of 5-0
4. Petitioners' children have always attended Nesson School District No. 2
5. The Nesson School District No. 2 is closer and more convenient for transportation for the family.

The motion was seconded by Mr. Fastnacht.

Result of roll call vote:

Mr. Johnson - aye

Dr. Holen - aye

Mr. Fastnacht - aye

Ms. Meehl - aye

Supt. Baesler - aye

Dr. Duchscherer - aye

Motion carried unanimously.

REVIEW OF RECORD, DISCUSSION AND ACTION ON THE HARDCASTLE ANNEXATION:

Discussion was held regarding potential questions concerning this annexation which should be addressed through testimony. Mr. Fastnacht made the motion to table this review until the October Board meeting and additionally asked for Jodi Johnson, County Superintendent of Schools for Ward County, to be present at the meeting. Mr. Johnson seconded the motion.

Result of roll call vote:

Superintendent Baesler - aye

Dr. Holen - aye

Mr. Johnson - aye

Ms. Meehl - aye

Mr. Fastnacht - aye

Dr. Duchscherer - aye

Motion carried unanimously.

Allyson Hicks provided a summary of HB 1434 which amends NDCC § 15.1-12-26 relating to the dissolution of school districts and where land goes when a school district dissolves. Clarification of the law was called for as several board members interpreted it differently. Adam Tescher, NDDPI, presented very basic information on the process of dissolution.

Elroy Burkle, Executive Director of ND Small Organized Schools, was present asking for clarification as well, in response of questions coming in to his office from the field.

Discussion was held concerning how to give the public some guidance on interpretation of the law. It was mentioned that Amy De Kok of ND School Boards Association could possibly include guidance in her legal column in the monthly newsletter.

Rugby Superintendent, Dr. Michael McNeff, raised some concerns regarding land distribution and asked if there could be some official guidance regarding the changes in NDCC 1§ 5.1-12-26. Hicks expressed concern with the board issuing any guidance and any specific guidance to school districts on matters that are not properly before the board but did say that a general statement of the board's interpretation of NDCC § 15.1-12-26 could be reflected in the minutes of this meeting.

Hicks addressed the difference between operating and non-operating districts. Baesler further clarified that although there are 178 school districts in the state, there are four that are not fully operating and have not gone through dissolution yet.

Dr. McNeff further asked about the appellate process. Hicks gave the information about where to find information about the appeal process in North Dakota Century Code.

There was discussion regarding how the new law could affect the dissolution of Central Elementary, which was already in the process prior to the law taking effect, however, their paperwork was sent back for corrections. The new law could potentially change how land distribution will take place in that dissolution.

Dr. Duchscherer spoke as to concerns with the language of HB 1434 and he, along with Superintendent Baesler, asked Hicks to help draft language to potentially introduce legislation that would include proper language for this issue.

The Board reviewed the tentative agenda for the Annual Joint Boards meeting to be held on Monday, October 7, 2019. A motion was made by Mr. Johnson to approve the Joint Boards meeting agenda. Mr. Fastnacht seconded the motion. The motion carried unanimously.

Future meeting dates were presented as such:

- a) Joint Boards – Monday, October 7, 2019 from 10:00-3:30 in the Pioneer Room
- b) Tuesday, October 8, 2019 at 1:00
- c) Monday, November 18, 2019 at 1:00
- d) Monday, December 16, 2019 (if needed)

An update for the board on the vote to consolidate the Hope and Page School Districts was provided. The issue passed by a vote of 304 in favor and 50 against. The Board gave kudos to Superintendent Brad Callendar for his part in getting this process finished.

There being no other business brought before the board, the meeting adjourned at 12:02 p.m.