

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative R. Kelsch

1 A BILL for an Act to create and enact five new sections to chapter 15.1-09.1 of the North
2 Dakota Century Code, relating to the governing boards and executive directors of regional
3 education associations; to amend and reenact sections 15.1-09.1-01 and 15.1-09.1-02 of the
4 North Dakota Century Code, relating to regional education associations; and to repeal section
5 15.1-09.1-09 of the North Dakota Century Code, relating to compensation of board members for
6 extraordinary service.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 15.1-09.1-01 of the North Dakota Century Code
9 is amended and reenacted as follows:

10 **15.1-09.1-01. Definition.** For purposes of this chapter, "regional education
11 association" means a group of school districts that have entered a joint powers agreement ~~that~~
12 ~~has been~~ which was reviewed by the superintendent of public instruction and verified as
13 meeting the requirements of section 15.1-09.1-02.

14 **SECTION 2. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code
15 is amended and reenacted as follows:

16 **15.1-09.1-02. Regional education association - Joint powers agreement - Review**
17 **by superintendent of public instruction - Criteria.** Before a group of school districts may be
18 designated as a regional education association, the superintendent of public instruction shall
19 review the joint powers agreement that the districts have entered and verify that: the
20 requirements of this section have been met.

21 1. The school districts:

22 a. ~~Have~~ must have a combined total land mass of at least ~~five~~ six thousand ~~eight~~
23 ~~hundred~~ square miles ~~[1502193 hectares];~~

- 1 b.—(1) ~~Have a combined total land mass of at least four thousand five hundred~~
2 ~~square miles [1165494 hectares]; and~~
3 (2) ~~Number at least twelve;~~
4 e.—(1) ~~Have a combined total land mass of at least four thousand square miles~~
5 ~~[1035995 hectares]; and~~
6 (2) ~~Have at least three thousand students in average daily membership; or~~
7 d.—(1) ~~Have a combined total land mass of at least one thousand five hundred~~
8 ~~square miles [388498 hectares]; and~~
9 (2) ~~Have at least seven thousand five hundred students in average daily~~
10 ~~membership [square kilometers].~~

NOTE: With the consolidation of South Central and South East, each REA except Mid-Dakota consists of at least 6,000 square miles. Each REA except Mid-Dakota consists of at least 15 districts. If the requirement for a minimum number of school districts is left in, we could have a problem if school districts within an REA consolidate and the REA no longer meets the threshold of 12 districts.

- 11 2. The school districts ~~are~~ must be contiguous to each other or, if the districts are not
12 contiguous to each other, the superintendent of public instruction shall verify that
13 the participating districts can provide sound educational opportunities to their
14 students in a fiscally responsible manner without injuring other school districts or
15 regional education associations and without negatively impacting the ability of
16 other school districts or regional education associations to provide sound
17 educational opportunities to their students in a fiscally responsible manner. A
18 decision by the superintendent of public instruction under this subsection may be
19 appealed to the state board of public school education. A decision by the state
20 board is final.
- 21 3. The joint powers agreement ~~requires~~ must require that the participating school
22 districts maintain a joint operating fund and share various administrative functions
23 and student services in accordance with subsection 4.
- 24 4. a. ~~During the first two school years in which a regional education association is~~
25 ~~operational, each participating school district shall share in at least two~~
26 ~~administrative functions and two student services, selected by the district.~~
27 b. ~~During the third and fourth school years in which a regional education~~
28 ~~association is operational, each participating school district shall share in at~~

~~least three administrative functions and three student services, selected by the district.~~

~~e. During the fifth school year in which a regional education association is operational, and each year thereafter, The joint powers agreement must require that each participating school district shall share at least five administrative functions and five student services, selected by the district.~~

~~d.~~ For purposes of this subsection:

(1) ~~a.~~ "Administrative functions" means:

- ~~(a)~~ (1) Business management;
- ~~(b)~~ (2) Career and technical education services management;
- ~~(c)~~ (3) Curriculum mapping or development;
- ~~(d)~~ (4) Data analysis;
- ~~(e)~~ (5) Federal program support;
- ~~(f)~~ (6) Federal title program management;
- ~~(g)~~ (7) Grant writing;
- ~~(h)~~ (8) School improvement;
- ~~(i)~~ (9) School safety and environment management;
- ~~(j)~~ (10) Special education services management;
- ~~(k)~~ (11) Staff development;
- ~~(l)~~ (12) Staff retention and recruitment;
- ~~(m)~~ (13) Staff sharing;
- ~~(n)~~ (14) Technology support; and
- ~~(o)~~ (15) Any other functions approved by the superintendent of public instruction.

(2) ~~b.~~ "Student services" means:

- ~~(a)~~ (1) Advanced placement classes;
- ~~(b)~~ (2) Alternative high schools or alternative high school programs;
- ~~(c)~~ (3) Career and technical education classes;
- ~~(d)~~ (4) Counseling services;
- ~~(e)~~ (5) Common elementary curricula;
- ~~(f)~~ (6) Distance learning classes;

- ~~(g)~~ (7) Dual credit classes;
 - ~~(h)~~ (8) Foreign language classes;
 - ~~(i)~~ (9) Library and media services;
 - ~~(j)~~ (10) Summer programs;
 - ~~(k)~~ (11) Supplemental instruction programs; and
 - ~~(l)~~ (12) Any other services approved by the superintendent of public instruction.
 - e. ~~For purposes of this subsection, if a regional education association became operational before July 1, 2005, the 2005-06 school year must be considered the provider's first year of operation.~~
5. The joint powers agreement ~~provides~~ must establish:
 - a. Criteria for the future participation of school districts that were not parties to the original joint powers agreement;
 - b. An application process by which school districts that were not parties to the original joint powers agreement can become participating districts; and
 - c. A process by which school districts that were not parties to the original joint powers agreement and whose application to participate in the agreement was denied can appeal the decision to the superintendent of public instruction.
6. The joint powers agreement ~~provides~~ must provide for the employment and compensation of an executive director and any other necessary staff.
7. The joint powers agreement:
 - ~~a. Establishes the number of members on the governing board;~~
 - ~~b. Establishes the manner in which members of the governing board are determined;~~
 - ~~c. Requires all members of the governing board or their designees to be individuals currently serving on the board of a participating school district; and~~
 - ~~d. Allows for the inclusion of ex officio nonvoting members on the governing board.~~
8. ~~The joint powers agreement provides that the board of the regional education association shall meet at least quarterly.~~

- 1 9. ~~The joint powers agreement does not permit the regional education association to~~
2 ~~compensate members of the regional education association board for attending~~
3 ~~meetings of the board and does not permit the regional education association to~~
4 ~~reimburse members of the board for any expenses incurred in attending meetings~~
5 ~~of the board~~ must provide for a governing board that meets the criteria set forth in
6 section 3.

7 **SECTION 3.** A new section to chapter 15.1-09 of the North Dakota Century Code is
8 created and enacted as follows:

9 **Regional education association - Governing board.**

- 10 1. The governing board of each regional education association must consist of five,
11 seven, or nine members.
- 12 2. The board must consist of:
- 13 a. An equal number of:
- 14 (1) Superintendents employed by the participating school districts; and
15 (2) Individuals current serving as board members from the participating
16 districts; and
- 17 b. The president of a public college or university located within the boundaries of
18 the regional education, or the president's designee.
- 19 3. a. The superintendent positions must be filled by a vote conducted among the
20 superintendents of the participating school districts.
- 21 b. The school board member positions must be filled through an appointment
22 process by the board of the North Dakota school boards association.
- 23 c. If more than one public college or university is located within the boundaries
24 of the regional education association, the position must be filled through an
25 appointment process by the governor.

NOTE: Working under the directive to limit the size of REA boards, this bill draft eliminates ex officio nonvoting members. It also eliminates designees.

26 **SECTION 4.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is
27 created and enacted as follows:

28 **Chairman - Meetings.**

- 29 1. Annually, the board of a regional education association shall elect one member to
30 serve as the chairman.

2. The chairman shall call meetings of the board and must call a special meeting of the board within seven days, when petitioned to do so by two members in the case of a five member board, three members in the case of a seven-member board, and four members in the case of a nine-member board.

3. The board shall meet at least quarterly.

SECTION 5. A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

Board member - Terms - Vacancy.

1. The term of office for board members of a regional education association is three years, except that the terms of initial board members must be staggered by lot, so that for a five-member board, no more than two terms expire each year, and for a seven- or nine-member board, no more than three terms expire each year.

2. If a vacancy occurs, the position must be filled in the same manner that the position was filled initially.

3. An individual may not serve more than two consecutive terms. If an individual is appointed or elected to complete a vacancy, that service is not counted for purposes of this section, unless the duration of that service exceeds one year.

SECTION 6. A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

Board member - Compensation. Each member of the board is entitled to receive reimbursement for expenses, as provided by law for state officers, if the member is attending meetings or performing duties directed by the board.

NOTE: Because they are public employees, superintendents should not receive a per diem in addition to their regular salary and current law does not allow school board members to be compensated by the REA. However, if a superintendent or a school board member is incurring expenses to travel to REA board meetings, especially since the individual would be representing more than just his or her respective district or board, it seems appropriate to have the REA cover travel expenses. This also addresses the reimbursement of expenses incurred for services above and beyond the norm. (See 15.1-09-09)

SECTION 7. A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

Executive director - Qualifications - Compensation

- 1 1. a. Beginning no later than January 1, 2010, the board of a regional education
2 association shall employ a full-time executive director. The director's
3 qualifications must include a graduate degree from an accredited university,
4 demonstrated competence in an administrative or managerial capacity, and at
5 least five years' experience in education, business, accounting, law, or other
6 profession.
- 7 b. The executive director serves at the pleasure of the board.
- 8 c. The board shall set the compensation of the director. The director's
9 compensation for each year of the 2009 biennium may be no lower than
10 eighty seven thousand three hundred dollars nor higher than one hundred
11 nineteen thousand three hundred dollars.
- 12 2. The board may employ an individual to serve as an acting director between July 1,
13 2009, and the date on which the executive director commences employment.
14 Notwithstanding the provisions of subsection 1, the board may determine the
15 qualifications, duties, and compensation of an acting director.

NOTE: The compensation is based on the 2006-07 range of average total compensation for administrators (assistant directors, directors, assistant principals, principals, assistant superintendents, and superintendents) among the following districts: Bismarck, Dickinson, Fargo, Grand Forks, Jamestown, Minot, West Fargo, Williston).

16 **SECTION 8. REPEAL.** Section 15.1-09.1-09 of the North Dakota Century Code is
17 repealed.

NOTE: Section 15.1-09.1-09 provides that:

The board of a regional education association may provide compensation and reimbursement to any board member who, at the direction of the board, performs extraordinary service on behalf of the board. For purposes of this section, "extraordinary service" means duties beyond those reasonably expected of members of the board and includes travel to and attendance at national meetings or conventions.

This concept was addressed in section 6 above. However, NDCC Section 15.1-09.1-09 (current law) allows for compensation and reimbursement of expenses. The proposed language in Section 6 allows just reimbursements of expenses and not compensation.