

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

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.**

18 1. Before a group of school districts may be designated as a regional education  
19 association, the superintendent of public instruction shall review the joint powers  
20 agreement that the districts have entered and verify that: the requirements of this  
21 section have been met.

22 ~~4.~~ 2. The school districts:

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

Sixty-first  
Legislative Assembly

- 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 [15540 square kilometers].~~  
11        2. ~~The school districts contiguous to each other or, if the districts are not contiguous~~  
12        ~~to each other, the superintendent of public instruction shall verify that the~~  
13        ~~participating districts can provide sound educational opportunities to their students~~  
14        ~~in a fiscally responsible manner without injuring other school districts or regional~~  
15        ~~education associations and without negatively impacting the ability of other school~~  
16        ~~districts or regional education associations to provide sound educational~~  
17        ~~opportunities to their students in a fiscally responsible manner. A decision by the~~  
18        ~~superintendent of public instruction under this subsection may be appealed to the~~  
19        ~~state board of public school education. A decision by the state board is final.~~  
20        3. ~~The joint powers agreement requires~~ must require that the participating school  
21        ~~districts maintain a joint operating fund and share various administrative functions~~  
22        ~~and student services in accordance with subsection 4.~~  
23        4. a. ~~During the first two school years in which a regional education association is~~  
24            ~~operational, each participating school district shall share in at least two~~  
25            ~~administrative functions and two student services, selected by the district.~~  
26            b. ~~During the third and fourth school years in which a regional education~~  
27            ~~association is operational, each participating school district shall share in at~~  
28            ~~least three administrative functions and three student services, selected by~~  
29            ~~the district.~~  
30            e. ~~During the fifth school year in which a regional education association is~~  
31            ~~operational, and each year thereafter, The joint powers agreement must~~

1                    require that each participating school district ~~shall~~ share at least five  
2                    administrative functions and five student services, selected by the district.

3                    ~~e.~~ For purposes of this subsection:

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

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

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

- 22                   ~~(a)~~ (1) Advanced placement classes;
- 23                   ~~(b)~~ (2) Alternative high schools or alternative high school programs;
- 24                   ~~(c)~~ (3) Career and technical education classes;
- 25                   ~~(d)~~ (4) Counseling services;
- 26                   ~~(e)~~ (5) Common elementary curricula;
- 27                   ~~(f)~~ (6) Distance learning classes;
- 28                   ~~(g)~~ (7) Dual credit classes;
- 29                   ~~(h)~~ (8) Foreign language classes;
- 30                   ~~(i)~~ (9) Library and media services;
- 31                   ~~(j)~~ (10) Summer programs;

- 1           ~~(k)~~ (11) Supplemental instruction programs; and
- 2           ~~(l)~~ (12) Any other services approved by the superintendent of public instruction.
- 3           ~~e. For purposes of this subsection, if a regional education association became~~
- 4           ~~operational before July 1, 2005, the 2005-06 school year must be considered~~
- 5           ~~the provider's first year of operation.~~
- 6           5. The joint powers agreement ~~provides~~ must establish:
- 7           a. Criteria for the future participation of school districts that were not parties to
- 8           the original joint powers agreement;
- 9           b. An application process by which school districts that were not parties to the
- 10           original joint powers agreement can become participating districts; and
- 11           c. A process by which school districts that were not parties to the original joint
- 12           powers agreement and whose application to participate in the agreement was
- 13           denied can appeal the decision to the superintendent of public instruction.
- 14           6. The joint powers agreement ~~provides~~ must provide for the employment and
- 15           compensation of an executive director and other necessary staff.
- 16           7. The joint powers agreement:
- 17           a. ~~Establishes the number of members on the governing board;~~
- 18           b. ~~Establishes the manner in which members of the governing board are~~
- 19           ~~determined;~~
- 20           c. ~~Requires all members of the governing board or their designees to be~~
- 21           ~~individuals currently serving on the board of a participating school district; and~~
- 22           d. ~~Allows for the inclusion of ex officio nonvoting members on the governing~~
- 23           ~~board.~~
- 24           8. ~~The joint powers agreement provides that the board of the regional education~~
- 25           ~~association shall meet at least quarterly.~~
- 26           9. ~~The joint powers agreement does not permit the regional education association to~~
- 27           ~~compensate members of the regional education association board for attending~~
- 28           ~~meetings of the board and does not permit the regional education association to~~
- 29           ~~reimburse members of the board for any expenses incurred in attending meetings~~
- 30           ~~of the board~~ must provide for a governing board that meets the criteria set forth in
- 31           section 3 of this Act.

1           **SECTION 3.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
2 created and enacted as follows:

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

4           1. The governing board of each regional education association must consist of five,  
5 seven, or nine members.

6           2. The board must consist of:

7           a. An equal number of:

8                 (1) Superintendents employed by the participating school districts; and

9                 (2) Individuals serving as board members from the participating districts;  
10                 and

11           b. The president of a public college or public university, located within the  
12 boundaries of the regional education association, or the president's designee.

13           3. a. The superintendent positions must be filled by a vote conducted among the  
14 superintendents of the participating school districts.

15           b. The school board member positions must be filled through an appointment  
16 process by the board of the North Dakota school boards association.

17           c. If more than one public college or public university is located within the  
18 boundaries of the regional education association, the position must be filled  
19 through an appointment process by the governor.

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

22           **Chairman - Meetings.**

23           1. Annually, the board of a regional education association shall elect one member to  
24 serve as the chairman.

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

29           3. The board shall meet at least quarterly.

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

1           **Board member - Terms - Vacancy.**

- 2           1. The term of office for board members of a regional education association is three  
3           years, except that the terms of initial board members must be staggered by lot so  
4           that for a five-member board, no more than two terms expire each year, and for a  
5           seven-member or nine-member board, no more than three terms expire each year.  
6           2. If a vacancy occurs, the position must be filled in the same manner that the  
7           position was filled initially.  
8           3. An individual may not serve more than two consecutive terms. If an individual is  
9           appointed or elected to complete a vacancy, that service is not counted for  
10           purposes of this section unless the duration of that service exceeds one year.

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

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

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

18           **Executive director - Qualifications - Compensation.**

- 19           1. a. Beginning no later than January 1, 2010, the board of a regional education  
20           association shall employ a full-time executive director. The executive  
21           director's qualifications must include a graduate degree from an accredited  
22           university, demonstrated competence in an administrative or managerial  
23           capacity, and at least five years' experience in education, business,  
24           accounting, law, or other profession.  
25           b. The executive director serves at the pleasure of the board.  
26           c. The board shall set the compensation of the executive director. The  
27           executive director's compensation for each year of the 2009-11 biennium may  
28           be no lower than eighty-seven thousand three hundred dollars nor higher than  
29           one hundred nineteen thousand three hundred dollars.  
30           2. The board may employ an individual to serve as an acting director between July 1,  
31           2009, and the date on which the executive director commences employment.

- 1                    Notwithstanding subsection 1, the board may determine the qualifications, duties,
- 2                    and compensation of an acting director.
- 3                    **SECTION 8. REPEAL.** Section 15.1-09.1-09 of the North Dakota Century Code is
- 4 repealed.