

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 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.

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

5 3. The board shall meet at least quarterly.

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

8 **Board member - Terms - Vacancy.**

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

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

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

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

20 **Board member - Compensation.** Each member of the board is entitled to receive
21 reimbursement for expenses, as provided by law for state officers, if the member is attending
22 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)

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

25 **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.